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BRITISH POLICY AND THE BALANCE OF POWER¹

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Among other curious legends about the Balance of Power which were assiduously circulated by German propagandist writers during the war and even before, and have since been repeated in that part of the Socialist press which takes its inspiration from Moscow, I have noticed a tendency which has spread even to reasonable Liberal papers—with a strong pacifist colour—to ascribe the origin and the birth of this doctrine to the machiavellian policy of British statesmen. Many times have I read denunciations of England on the ground that she invented this doctrine, to which are set down the innumerable wars from which Europe has suffered since the sixteenth century.

Now the fact of course is that it is not an English doctrine at all, although it became for quite obvious reasons, which were inevitable, a corner-stone of English policy, unconsciously during the sixteenth, subconsciously during the seventeenth, and consciously during the eighteenth, nineteenth and twentieth centuries, because for England it represented the only plan of preserving her own independence, political and economic. It matters little when the doctrine was actually first formulated—I had doubts about that and, therefore, I confess without shame, having no pretensions to learning, I betook myself to the En-

¹ Address before the American Political Science Association, December 29, 1924.

cyclopaedia Britannica and there found that it was first given definite shape as a doctrine by Grotius and afterwards became a current part of the equipment of every European statesman. The reason for this is obvious; so obvious indeed that one cannot but laugh aloud when learned writers of Teutonic and Muscovite origin seek to prove that it was invented by England for her own fell purposes and dark designs. In the words of the Encyclopaedia Britannica, which I quote because I cannot better them, the Balance of Power "is such a just equilibrium between nations as should prevent anyone of them from becoming sufficiently strong to enforce its will upon the rest." It is "in its essence no more than a precept of common sense born of experience and the instinct of self preservation."

The grand ideal of the Holy Roman Empire—European unity under a spiritual and a temporal chief—really ended with the division among his sons of the realm of Charlemagne and the Treaty of Verdun in 843 whereby, roughly speaking, modern Germany and modern France first came into being. And thus emerged that antagonism between these two races, that struggle for supremacy between them which, though obscured by the chaos of the middle ages, has been one of the principal causes of disturbance in Europe for centuries, and as one or the other threatened to dominate Europe, England acting on the instinct of self-preservation had to take the weaker side. During the sixteenth century Spain, owing to her alliance with the Hapsburgs and to the discovery of America, threatened to acquire a dominating position in Europe and on the seas, claiming a monopoly of the lands on the other side of the Atlantic; and England naturally came into conflict with her.

I have often wondered, standing beside the tomb of Don Juan, the only son of Ferdinand and Isabella, in the church of San Tomas in Avila, what changes might have occurred in the history of Europe and the world if that young man so full of promise had not prematurely died. One thing we can certainly say, which it would be difficult to say of any other: that if the young prince who lies there so beautifully carved in marble by the Florentine, Domenice Fancelli, had not died, the history

of the world would without doubt have been completely altered. For then, the tremendous energies of the Spain of that day would not have been sapped by long and weary wars to maintain her European possessions brought to her by the Hapsburg alliance, and Charles the Fifth would never have been at once German emperor and king of Spain. Instead of wasting the wealth she drew from her American colonies in futile attempts to keep the Netherlands, Spain might have used that wealth for her own internal development and become that great maritime and trading power, to which her geographical position and her great internal resources certainly entitled her. No country has ever paid so dearly for the temporary greatness that was forced on her by an evil fortune in the death of that young boy who lies in the wonderful tomb at Avila. That is, however, a digression, if a legitimate one.

Once then, the fear of the domination of Europe by the fortuitous Spanish-Austrian combination disappeared, the duel between Germany as such and France reappeared. Generally speaking, the threat of French domination lasted from the middle of the seventeenth century to the beginning of the nineteenth, from Louis XIV to Napoleon, and during this time we generally find England and France in collision, although as always there were what Prince Bülow once called some extra *tours de valse*.

After the defeat of Austria by Prussia in 1856 the star of the Germans, Prussianised under the influence of the descendants of the old Teutonic Order of Knights, was again in the ascendant and culminated in that pentecost of calamity, as Mr. Owen Wister has called it—the late war. This time, as the threat of domination came from Germany, England from an instinct of self-preservation, which has inspired her policy throughout the centuries, took once more what seemed the weaker side and once more helped to stay the domination of Europe by any one power.

I do not pretend that England has taken the side of the weaker in all these long centuries of war out of any specially chivalrous or quixotic sentiment, though no doubt this did to some extent influence her policy. Generally speaking, however, it was just

the instinct of self-preservation, the knowledge that any power which dominated Europe would probably dominate the seas, and that any power which dominated the seas would ultimately dominate England. All that is so clear that he who runs may read. For that reason, and that reason alone, the English, like every European people which valued their own independence above every other good, even a *Pax Romana* imposed on Europe by some modern Emperor, were prepared to fight to maintain the Balance of Power by which alone that independence should be secured.

But the really important question to my mind is not: "Was England or not on the side of the angels in taking the line she did in the course of these centuries?" It is rather, "what line are we to take in the future?" For the moment, there is no power which threatens Europe with domination—for I think the latest danger, that of a Russian communist domination, is practically at an end. It was no doubt far more serious than European statesmen would care to admit from 1918 to 1920, but it ended, I believe, when the Bolshevik hordes were defeated before the gates of Warsaw in August 1920. It is curious to reflect that Poland has played a leading part in throwing back two great invasions which in modern times have threatened the foundations of European civilization coming from the East: in 1683, when John Sobieski saved Vienna from the Turks, and in 1920 when the famished and ill-equipped Polish army with the help of a French general beat back decidedly the victorious Bolsheviks and saved Central Europe from a general communist upheaval. That, however, is another digression and I must go back to my point, that there is at the present moment no one power threatening to dominate Europe. In that sense, at least, we have a breathing space in which to turn around and consider the whole situation.

Now it seems to me that unless we want to have to return to the old system of the Balance of Power with all its attendant dangers of competition in armaments and inevitable wars, we must find something to take its place; otherwise there is, I fear, nothing to be done but to return to the old hopeless condition,

which means ruinous expense in armaments with the spectre of war at the end, disastrous both to victors and to vanquished. From among the possible international systems which might replace that of the Balance of Power we can, I believe, rule out today an idea of a Holy Roman Empire, imposed by one power on the rest, which might formerly have bound Europe together and so establish a *Pax Romana*.

There was a time when certain political thinkers looked to the formation of a federation of European states to carry out on a grand scale what Switzerland had accomplished so successfully on a small scale. The nucleus of such a federation began on August 1, 1291, when the three diminutive cantons of Schwyz, Uri and Unterwalden bound themselves together to defend their liberties and rights, seventeen days after the death of the Emperor Rudolph of Hapsburg, the founder of the Hapsburg dynasty, who was himself a Swiss. It seems not too utterly Utopian to hope that, as the seed grows into a great tree, so this little federation might prove the germ of a system of free and independent states, leagued together for the defense of their own liberties while maintaining a general rule of peace by law.

Listen to the first words of the famous document drawn by the men of those remote valleys hidden in the folds of the Alps, and see if they do not send a thrill of hope to the heart of every lover of justice, liberty and peace,—

“In the name of God—Amen. Honour and the public weal are promoted when leagues are concluded for the proper establishment of quiet and peace. Therefore know all men that the people of the Valley of Uri, the democracy of the Valley of Schwyz, the community of the mountaineers of the Lower Valley (Unterwalden), seeing the malice of the age, in order that they may better defend themselves and their own goods and better preserve them in proper condition, have promised in good faith to assist each other with aid, with every counsel and every favour, with persons and goods within the valleys and without, with might and main against one and all who may inflict on any one of them any violence, molestation or injury or may plot any evil against these persons or their goods.”

And so it continues specifying the action to be taken in case of attack on their liberties. From this small and humble origin some 730 years ago sprang up the Swiss federal democracy which produced probably the sanest, most stable, most democratic government of Europe—the Swiss Republic. These three cantons gathered to them other lands of other speech and withstood the religious upheavals that followed the Reformation. None of its great and powerful neighbours has dared to attempt a conquest of Switzerland since Charles the Bold of Burgundy lost his dominion and finally, his life, in the attempt at Murten, Grandson and Nancy at the end of the fifteenth century. There is an old Swiss rhyme which tells how that proud warrior lost

Bein Grandson das Gut
Bei Murten den Mut
Bei Nancy das Blut.

Well, there in the heart of Europe among the Alps, has existed now for centuries a federation of peoples, differing in culture, in speech, in religion, but held together by their love of liberty, law, order and justice set on high for all men to see, as an example of what can be done where there is a will to do it.

"Honour and the public weal are promoted when leagues are concluded for the proper establishment of quiet and peace."

So we have our choice. It rests so far as I can see between returning to the Balance of Power in Europe or a league concluded for the proper establishment of quiet and peace.

I know which I should prefer, and which a great majority of the average inhabitants of the British Isles would now prefer. I believe I know which the great majority of average Frenchmen, Germans, Italians and Spaniards would prefer—simply as a matter let us say of "common sense," just as in its time the "Balance of Power" was also a matter of common sense. We must remember England is a European power by her geographical position and nothing can alter that. She must shape her policy to fit in with that dominating circumstance. Therefore, a league for peace and quiet, or shall we say for arbitration, security and disarmament, in Europe is bound to affect her very

closely. She can not hold altogether aloof from it any more than she could formerly hold aloof from the system of the Balance of Power.

America, which has the geographical merit of being 3000 miles away, and has no fears for her security can hold aloof, and in my humble opinion neither of us has the right to criticise the other for doing what their geographical position requires. But I would ask Americans to try to understand that the position of Great Britain is by far the more difficult of the two. Every man in the British Isles desires the closest understanding with the United States. That is a cardinal principle of our policy and must remain so. We are, however, compelled at the same time to consider our situation in Europe and we have also to consult and regulate our policy according to the views and opinions of the other partners of the British Empire, whose interests are not directly concerned with Europe, and it is this which may at times make it difficult for the extra-European English-speaking nations to understand our policy, owing to our more complex problems.

One of the principal duties of Great Britain in the future, as it seems to me, must be to explain and interpret the necessities and the difficulties of Europe to America and the overseas Dominions, while at the same time working in Europe for an enduring peace, which is, when all is said and done, the greatest interest of us all.

I hope and pray that British statesmen may rise to the height of the task that will be imposed on them and that we may thus avoid a return to the system of the Balance of Power in Europe, with all its attendant evils, without sacrificing any of the good will and friendship of our friends and cousins in other parts of the world.

THE MODERNIZATION OF INTERNATIONAL LAW¹

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Few words have been used with more different meanings than the word "law." "International law" has likewise had many diverse definitions. The term, international law, is here used to cover the rules and principles which are generally observed in the relations among states. As laws in general become serviceable as their observance becomes regular, so international law becomes serviceable as its rules and principles are generally followed.

The modernization of international law would imply the adaptation of international law to modern conditions. Conditions have changed since the old days when "strange air made a man unfree;" when all foreigners were enemies; when emigration was prohibited lest all man-power of a state might leave and there might be no available material for an army; or when such principles generally prevailed as that of Machiavelli, which he enunciates in the following words: "that whoever is the occasion of another's advancement is the cause of his own diminution" (Chap. 3).

The development of the family of nations idea, and its extension from the Christian European states to other so-called Christian states, and later to states having a recognized political standing, regardless of religious or ethnic bases, shows the enlarging aspects of international relationship. In order that this relationship might continue, it was necessary that principles generally recognized by those having control of political affairs as worthy of their support should underlie these relationships.

In the ancient times practices based upon narrow selfishness,

¹Remarks at American Political Science Association luncheon, December 29, 1924.

such as the enslavement of all foreigners, might meet with approval, but this would be only during the period when there was little contact between different states, and little advantage to be gained from such contact. When the Romans began to rest their relationships upon natural law bases, there arose a possibility of the spread of uniform principles over wide areas. The recognition of religious principles in the relationship of mankind added to the possibility of unification of certain principles among different nations. With the growth of commerce it became easy to understand the necessity for such laws as those embodied in the Law Merchant.

In modern times change in the way of adaptation of international law to changing relations of states has been more marked even than the changes in domestic law. The Holy Alliance viewed with horror the "curse of revolution." However, most of the states upon the American continent base their existence upon the recognition of the right of revolution. Yet revolution is not now favored by even the American states because of close proximity and the many relations which are disturbed by frequent changes in neighboring states.

At the beginning of the nineteenth century there was much friction in regard to such matters as diplomatic precedence among the representatives of various states at foreign courts. The Treaty of Paris of 1815 and the Treaty of Aix-la-Chapelle of 1818 by conventional agreement established principles which have since been followed to the satisfaction of all concerned.

In many states in the early nineteenth century the attitude toward slavery was regarded as purely a national matter, and even so late as 1842 the distinguished authority, Henry Wheaton, found ample arguments against permitting visit and search in time of peace for the purpose of suppressing the slave trade.²

² Chief Justice Marshall, in the case of the *Antelope* 1825, said: "Whatever might be the answer of a moralist to this question, a jurist must search for the legal solution, in those principles of action which are sanctioned by the usages, the national acts, and the general assent, of that portion of the world of which he considers himself as a part, and to whose law the appeal is made." Showing that the slave trade had been generally carried on for two centuries, he further said: "In this commerce thus sanctioned by universal assent, every nation had an equal right to engage." (10 Wheat. 66).

But by 1890 the United States and most of the other powers of the world had united in conventional agreements for the suppression of this trade. In this, as in many other cases, rights once regarded as almost axiomatic when states were far apart and little related, have now ceased to be recognized, and are no longer considered even debatable.

The proximity of states has made necessary the recognition of new rights and obligations, though not necessarily always involving changed principles or theories. As Justice Holmes said, in referring to the Convention for the Protection of Migratory Birds, concluded between Great Britain and the United States in 1916, in the case of *Missouri vs. Holland* in 1920: "The case before us must be considered in the light of our whole experience and not merely in that of what was said a hundred years ago." (252 U. S. 416.)

Many of the old doctrines, regarded as fundamental to the concepts of international law, such as equality, independence, rights of property, have been subjected to careful scrutiny and redefinition has been found necessary.

While the geography of the world, so far as physical contour is concerned, has changed but little, the political unities upon the surface of the earth have undergone many changes, bringing new relationships. In these unities new social and political entities have developed, intellectual and psychological points of view have changed, and economic conditions have contributed to the establishment of new relationships.

The old maxim "*Cujus est solum ejus est usque ad coelum et ad inferos*" (*Bury v. Pope*, 1588) was thought to be one that would probably suffer little change. But recent decisions have justified states in the assumption of absolute jurisdiction over the air space above their territories. In some of the recent decisions the principles set forth by Sir William Scott, in the case of the *Atalanta* in 1808, would apply, while in others there has been needed the recognition of new principles or of principles hitherto unrecognized. Sir William Scott said, speaking of the imputation that the court was sometimes guilty of interpolations in the law of nations:

"If the Court took upon itself to assume principles in themselves novel, it might justly incur such an imputation; but to apply established principles to new cases, cannot surely be so considered. All law is resolvable into general principles. The cases which may arise under new combinations of circumstances, leading to an extended application on principles, ancient and recognized, by just corollaries, may be infinite; but so long as the continuity of the original and established principles is preserved pure and unbroken, the practice is not new, nor is it justly chargeable with being an innovation on the ancient law, when, in fact, the Court does nothing more than apply old principles to new circumstances" (6 C. Rob. 440).

There are those who think that this opinion of Sir William Scott has been stretched somewhat too far in recent decisions, such as in the *Strathearn S. S. Co. Ltd. v. Dillon*, in which the Act of the Congress of the United States entitling seamen to receive on demand certain wages which had been earned, at any time when in port, provided that the demand is not oftener than once in five days, "And provided further, that this Section shall apply to seamen on foreign vessels while in harbors of the United States, and the Courts of the United States shall be open to such seamen for its enforcement," (Sec. 4530). In the decision of this case, referring to *Patterson v. Bark Udora* (190 U. S. 169), it was said for the United States: "that it was for this Government to determine upon what terms and conditions vessels of other countries might be permitted to enter our harbors, and to impose conditions upon shipment of sailors in our own ports, and make them applicable to foreign as well as domestic vessels. Upon the authority of that case and others cited in the opinion therein, we have no doubt as to the authority of Congress to pass a statute of this sort, applicable to foreign vessels in our ports, and controlling the employment and payment of seamen as a condition of the right of such foreign vessels to enter and use the ports of the United States."

This tendency to apply national law in a somewhat extended manner has been common in recent years. It is true that it has been usually held that a nation had exclusive jurisdiction

within its own territorial limits. (*The Exchange*, 7 Cranch, 116). Also it has been customary to admit in some cases that this jurisdiction would be voluntarily limited. It was, however, held that while the national Prohibition Act might have exempted ships, or might have made a distinction between American and foreign ships in American waters, "it contains no exceptions of ships of either class, and the terms in which it is couched indicate that none is intended." (*Cunard S. S. Co. v. Mellon*, 262 U. S. 100). Nevertheless, it has been deemed expedient, in order to avoid difficulties, that the United States conclude treaties with various other states by which American officials obtain rights of examination of vessels outside the three-mile limit, and under which foreign vessels may be permitted to enter United States ports without liability when liquors are listed as "sea stores" or "cargo destined for a port foreign to the United States," provided such liquors shall be kept under seal while in American waters, and shall not be unloaded therein. These treaties are closely analogous to what was supposed to be a fairly well accepted principle among the states of the world to the effect that matters relating to the internal economy of a vessel should even in a foreign port be under the jurisdiction of the state whose flag the vessel has a right to fly.

While national legislation affecting matters with which foreigners may be concerned may for a time depart from accepted principles of international law, it is the tendency to recognize those principles in subsequent legislation or in practice, in order that free and satisfactory intercourse may continue.

In recent times there has also been an increasing tendency to formulate principles which may be acceptable to the states of the world; and which may by national adoption be generally recognized. The preamble of the Hague Convention of 1899 for the Pacific Settlement of International Disputes affirms that the states are "Desirous of extending the empire of Law, and of strengthening the appreciation of international Justice." The Second Hague Conference in 1907 reaffirmed this purpose. The cases submitted to arbitration under the provisions of these conventions in the early days of the twentieth century related

to question and events involving Europe, Asia, Africa, North America, South America, and ranged from money claims to question involving the right to fly the flag and other matters considered to involve fundamental rights.

The preamble of the Covenant of the League of Nations asserts that it was agreed to "In order to promote international coöperation and to achieve international peace and security . . . by the firm establishment of the understandings of international law as the actual rule of conduct among governments."

Article 228 of the Treaty of Versailles provides that "the German Government recognizes the right of the Allied and Associated Powers to bring before military tribunals persons accused of having committed acts in violation of the laws and customs of war." This same article provides for punishment and for handing over of persons accused of violation of the laws of war, thus making operative the provision which was introduced into the Hague Convention concerning the laws and customs of war on land in 1907, which provides that the belligerent party shall be responsible for all acts committed by persons forming a part of its armed forces.

The commissions of inquiry, somewhat similar to the grand jury system, introduced in the Convention for the Pacific Settlement of International Disputes in 1899, and elaborated in the corresponding convention in 1907, and in a modified form in many bilateral treaties, have proven serviceable in times of great strain.

From the middle of the nineteenth century there has been a growing tendency to agree upon uniform rules of action by conventions having general operation through multilateral negotiation, adherence, or accession. Sometimes the same effect has been brought about by declarations on the part of one or more powers to which other powers have adhered. The parties to the Declaration of Paris engaged to bring the Declaration to the knowledge of other states, and to invite them to accede thereto, and the plenipotentiaries affirmed that they doubted "not that the efforts of their governments to obtain adoption

thereof will be crowned with full success." Not all states acceded to this Declaration. Among those which did not were the United States and Mexico, though the United States did accept it in principle in 1898.

After 1873 meetings of those interested in the development of international law became more common, and the influence of the Institute of International Law, which was founded in 1873 "to aid the development of international law," gradually increased. Other societies and associations have aided in making international law more widely known and understood. This certainly was necessary for other countries if Disraeli was able to say of his own, which had such wide contact, that "there is no subject on which we are so misinformed as our foreign policy." The influence of these organizations was also evident in many of the decisions of courts, passing upon international matters, as in the decision of the Japanese prize courts during the Russo-Japanese War, where rules formulated by the Institute of International Law were frequently cited in support of the decisions of the Court.

Government publications in recent years have frequently given information upon details of international affairs in order that the public opinion might have correct data upon which to rest. Whereas in the old days the will of the ruler might determine the action of the state, in modern times there has been an attempt to put the opinion of the citizens behind state policy. A striking instance of this change may be seen in the general use of propaganda in recent years. As propaganda has been used upon both sides it is probable that in the long run there will be necessary an attempt to reach justice before questions may be settled in such fashion as to satisfy both sides.

While negotiations anciently were between rulers or representatives of rulers, and even in more modern times the same practice was followed, as at the Congress of Vienna, toward the end of the nineteenth century, and particularly during the twentieth century, conferences of representatives of the states of the world, as such, upon matters of general concern have become more and more common, and the conference method has

been resorted to for formulating rules of conduct and principles of action along nearly all lines of international relationships. The influence of these conferences can be clearly seen in a comparison of the citations in a book like that of Grotius' *De Jure Belli ac Pacis*, and any modern treatise upon similar subjects. While a single page of Grotius might cite, as bases for its conclusions, many chapters of the Bible from Genesis to Revelation, as well as classical writers and those writing on special topics like Gentilis, modern writers would support their conclusions by decisions of courts of many countries and conventional agreements reached in conferences.

The Hague conferences not only drew up conventions for the Pacific Settlement of International Disputes, but also proposed an International Prize Court and a Court of Arbitral Justice, which should aim not merely at the peaceful settlement of disputes but rather at the judicial settlement. The times were not ripe and the methods not devised for an international court of justice until the futility of other methods had been clearly demonstrated in the World War. The doctrine that "*Kriegsräson geht vor Kriegsmanier*" has failed, and those who tested its validity on land have been convicted and sentenced in some cases, thus for land warfare showing that "*Kriegsmanier geht vor Kriegsräson*." Unfortunately, the resort to corresponding acts in maritime warfare in the World War has not yet received a corresponding condemnation. Article 14 of the Covenant of the League of Nations provided for the establishing of a Court of International Justice. This court, established and functioning already in many matters, has clearly indicated that its functions are judicial, as it said in the reply to a request for an advisory opinion concerning the status of Eastern Carelia, July 23, 1923. "The Court, being a Court of Justice, cannot, even in giving advisory opinions, depart from the essential rules guiding their activity as a Court" (Series D, No. 5, p. 29).

The use of force is coming to be thought of not as a method of settling international disputes, but as a means of anticipating such conflicts, and of enforcing judicial decisions, though all awards of the Hague arbitral tribunals, as well as opinions and

decisions of the Court of International Justice, have become operative without the use of force.

War, even, has changed in its inception, conduct and results. Formerly undertaken at the will or whim of a ruler, it now needs justification to the world; formerly conducted without regard to law, it is now subject to more and clearer defined methods; and formerly often for spoils of the enemy, now it is discovered that the vanquished cannot "pay the cost of the war."

The old legal maxim that there must be an end of controversy still holds. St. Augustine, Thomas Aquinas, and Suarez said that war must be just. The modern tendency is to say if the cause is decided to be just, war should not be waged.

In peace even the national courts do not necessarily give the same interpretation to a principle of international law or of a treaty, and this is often due to lack of knowledge of any system of justice except the national system. There is therefore need for an international tribunal to pass upon such questions either *de novo* or on appeal with view to decision on general in distinction from national principles.

What is needed, and what is evident in some recent opinions, is modernization, which, in contrast to the earlier nationalization of the international principles, is the internationalization of national principles, in order that controversies may be reduced by the application of common standards.

As the ancient ideas of competition and isolation in business and other fields have disappeared, and the advantages of more complete coöperation have been recognized, so through modernization of international law common standards for the regulation of international relations are more generally accepted, and the desire to promote justice among nations is coming to prevail.

THE CIVIL SERVICE IN THE MODERN STATE

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"I'd give them th' votes," said Mr. Dooley. "But," he added significantly, "I'd do the countin'!" These words symbolise, in a crude way, the direction of political inquiry in the century prior to the year 1880. Until about that time political scientists were concerned mainly with the processes of policy and law-making. Incident to this were studied things like the nature of public opinion and the electorate, political parties, representative assemblies and their relation to the executive. But the problem of the civil service in the modern state emerged in its full importance not longer than some four decades ago; and indeed, today, we are only in the stage of discovering the questions yet to be explored.

The centre of gravity in political science has plainly shifted from the field of electioneering to that of the civil service. In our own day that machinery serves two purposes of high importance. Firstly, it furnishes the expert knowledge without which parliaments can not, in any adequate fashion, create and enact policies. Secondly, it carries out the commands of the policymaking body. The experience of the United States, of Great Britain, of France, Germany, Canada, Australia and South Africa, shows conclusively that to perform the first of these two functions the members of the representative assemblies have neither the time, the ability, the inclination, nor the machinery. They must come to the permanent office-holders for expert knowledge. And as to the second, a variety of reasons forces them to legislate in general terms and leave the civil servants to draw up statutory rules and orders—to create "secondary legislation," the enormous and increasing mass of which gives the civil service in the modern state a vast power. That power

is increasing, for the state has given up its old rôle of acting, in Lassalle's phrase, as 'night-watchman,' as a mere dispenser of justice in the strictest sense of the word. Today it acts upon the theory that the good of the individual and of society may be discovered by the processes of social reason and action, and be implemented through statutes. The nearer we approach to communal control of life, the more power will the civil or communal service secure. It becomes, then, our anxious concern to inquire into the organization of the civil service, so that the power it must inevitably exercise may be beneficial to those whom it is designed to serve.

The experience of the countries I have already mentioned makes it possible to lay out a rough map of the ground to be travelled. The most interesting thing revealed is this, that despite differences in history, industrial life, social tradition, and political system, the pattern of problems (as, for instance, recruitment, promotion, discipline, control, payment, and civil and political rights) tends to uniformity as between the various countries; and so do the solutions of those problems.

In these countries one key serves, practically, to open up a glimpse of the great problems of civil service organization. It is this. The open market test of solvency cannot be applied to the services rendered by the state, or by its agent (perhaps it would be as well to say, its other self), the civil service; and therefore, every factor determining the original and the sustained good quality of each particular servant is of most urgent importance. Let me expand this a little.

The state, through the civil service, spends money which is ultimately derived from the pockets of private individuals, not without complaint on their part. These citizens get no direct *quid pro quo* for their taxes; but the general services which the state renders give it the character of a productive concern like any joint-stock company. It is a kind of public service corporation. But the state cannot be subjected to the commercial tests by which the private producer is judged. No accurate way has yet been invented of assaying the relationship between its output and its revenue. The instruments by which the work

of the civil service has been measured hitherto have been parliamentary investigations, through question in the full House as in England; through committee and commission enquiries as in United States, France and Germany; through informal deputations from interested groups, a method of great and growing importance in France and England; and through formal and permanent committees representative of interests in such departments as the railways, posts and telephones in France, and the board of trade and ministry of health in England. But this machinery is cumbersome, rough and incomplete. It is, in fact, difficult for anyone but an expert fairly and effectively to criticise an expert; and it has been the frequent experience in England that the expert must coach members of Parliament in the actions to which criticism should be directed. This fact is probably not without foundation in the experience of other countries also. Since, then, it is impossible for the final product of the civil service to be measured and controlled in anything like a satisfactory manner from the outside and retrospectively, it is of the highest importance that only the fittest shall be selected, that only the fittest shall be promoted, and that the conditions of discipline, reward and civic rights shall promote an atmosphere of contented and zealous activity. To secure this end the countries under consideration have been, and are, steadily addressing themselves.

Recruitment has been, historically, the first concern of reformers. Broadly, till 1870, most countries recruited by a 'spoils', or patronage system, in which political and social affiliations were the first, and competence to carry out the functions of the office, the secondary consideration. The political scientist will note with interest, however, that in Prussia since about 1700, there has been provision for recruitment by merit, through examinations or university qualifications, because there was only one authoritative party in the state, the Crown. Efficient service was the great safeguard for the Crown's continued existence. Democracies are beginning to see that what was true for autocratic government is true for them also, and the recent fate of Italy and Spain is revealing in this respect. The

wise and gentle Machiavelli says, "Nothing makes a Prince so well thought of as to undertake great enterprises and give striking proofs of his capacity."

In Prussia there is a close connection between the various educational grades, like the *Hochschule* and university courses, and the stages at which the civil service is entered. In England, too, the civil service commissioners have since 1853 directed their attention to the 'natural' stages of education, like secondary schools and the main university courses in working out their classification of the civil service. The chief German contribution to education for the public service is its insistence upon three years' study of political science, administrative law and political economy, followed by four years' practical experience for the Higher Class, which has important policy-making and administrative functions. The English contribution lies mainly in the choice of its administrative class—the highest class of officials—by examinations which demand a high honors' standard of attainment in the senior classical and mathematical schools at Oxford and Cambridge, while of late, the younger universities are securing ingress for their candidates by the inclusion of examinations in history, political science and political economy.

There has, in the progress from 'spoils' to the 'merit' system in the United States from 1883 till now, been no actual or attempted connection between the grades of the service and the educational system of the country. The reclassification commission of 1920 recommended that the civil service commission or some such body should attempt coöperation with the universities to establish tuition for the civil service. The United States contribution to the science of preparation for the public service will probably be recognised by history as the attempt to create psychological tests for certain branches of work, of greater economy and accuracy than the tests we now use.

In the countries under review, qualifications are laid down by an institution standing outside and independent of the separate administrative departments, and examinations are conducted under its authority; and experience has shown that this is essential if fairness as between civil servants and their efficiency

vis-à-vis the public are to be established and maintained. In France there is no such institution to correspond with the English or the American civil service commissioners: each department is a law unto itself, save that its rules laying down qualifications (recognised academic diplomas and degrees and examinations), are ratified, in a very general way, by the Chambers through the annual finance law. There are over 200 separate decrees regulating recruitment and promotion in the different departments; and dissatisfaction with the work accomplished and rewards given is rife both inside and outside the service.

On the whole this question of training for the public service is being answered effectively but slowly. Long and careful experiment and the formulation of theory are still vitally necessary, in order that there shall be recruited, for the higher positions especially, men and women equipped with a thorough knowledge of modern social life, the ability to learn the technical side of their own job, and insight keen enough to project reforms.

Promotion is linked with recruitment as an element which, directly and indirectly, affects the efficiency of the service, and has an important effect upon the less concrete factor called *morale*. It has been found that the excellence of the rules relating to promotion will be, in a large measure, determined by the adequacy of the system of classification adopted. Where there is no classification, or only an insignificant system as in the United States before 1923, it is impossible to regulate promotion efficiently and with justice to the personnel. Further, unless there are common rules of classification and promotion, though rough justice may be realised among individuals in each department taken as a separate unit, there will be unfairness as between men in different departments, and a failure to reach the maximum efficiency in the service as a whole. Of this France is an example.

Two general developments must be noticed. The first is the search for objective tests of fitness for promotion independent of favoritism. This has a tendency to develop into an attempt to estimate the qualities necessary for promotion with numerical precision. The second, a corollary of the first, is the endowment of the central controlling authority with the power to recommend or ratify promotions.

The search for objective tests is most intense in those countries where the 'spoils' system has been worst, and where, moreover, the higher officials, because of their political appointment, have known nothing of personnel conditions. It is in the United States that the objective test is sought for with most pertinacity, in the states as well as in the federal service. Till 1923 promotion in the federal service took place, in a few cases, by qualifying examination, and by seniority; or vacancies in higher grades were filled from outside the service. Now the law provides that the personnel classification board is to lay down general conditions of promotion, which is to be firmly based upon a system of efficiency ratings worked out by the bureau of efficiency. These ratings have been worked out with great care. But of all the countries in which such record sheets and efficiency ratings are used two judgments may be made. The first is that human nature inside the public service is apt to be less severe than outside: the officers who apply the ratings to the men they supervise do not like to discriminate between them, for so to discriminate means the condemnation of this or that man to less pay, less interesting work, or even dismissal. The officials work together, eat together occasionally, know something of each other's domestic lives. It is hard to discriminate! The second is, that this being so, it will be difficult to exclude personal preference and seniority. Age has its claims even when it falls short in powers.

In France, the higher the entrance qualifications, the more does seniority rule promotion; and the same holds good of Germany. Australia is the only country in this survey allowing an appeal to the central controlling authority against a promotion. There, any officer who considers that he is more entitled to promotion to a vacant office than the officer provisionally promoted may appeal within fourteen days of the publication of such promotion. The public service board decides the case after conference with a representative of the head of the department, the appellant or his nominee, and the officer promoted. In France, in the department of posts and telegraphs, there is a promotion board upon which sit two or three representatives

of the lower ranks of officials; they participate in the drawing up of the promotion lists. Here then, we observe how in Australia the individual's sense of fairness is respected, and how, in France, a step is made toward self-government within the departments.

For convenience of exposition it is desirable at this point to turn to an entirely different aspect of the civil servant in the modern state. While, from 1880 to the present time, the needs of the modern state caused attention more and more to centre upon securing efficiency in the Civil Service, the ripening of democratic and syndicalist ideas caused the civil servants, particularly those in the lower ranks, to make certain claims of the state. They demanded that the state should accord them full citizen rights in ordinary political life, and certain rights of self-government in their employment. A stern conflict arose between the state and its servants, and assumed its gravest character in those states, like France, Germany and Italy, where public security and order have, historically, been the predominant purpose of statesmen. In France, to strike is considered to mutiny against the state, which is held to be no ordinary employer, but the embodiment of the sovereign will of the people. Similarly in Germany; but there the matter is argued more rationally, the civil servants' security of employment and pension, and the state's vital need of a continuity of services, are put forward as reasons against the right to strike. The right of association is allowed in France, but it must not be interdepartmental, nor is affiliation with ordinary trade union bodies permitted. This is the law; but in practice the associations do not heed the law. In Germany full rights of association have been granted to the civil servants by the Constitution of 1919; in Australia, the United States,¹ and Canada such rights are not denied.

As to political rights all countries allow their civil servants the right to vote, but South Africa, Canada, Australia and the United States, forbid other participation in politics even to the

¹ Spiro, *Labor in a Government Industry* (Doran, 1924).

slightest extent. In France such participation is without legal hindrance, but in practice it is subject to the interference of the superior official; though when an official is elected a member of the Senate or Chamber of Deputies, he remains on the staff of his department without pay until he reassumes active duty, when he is reabsorbed into its ranks. In Germany no special leave is required to attend the Reichstag or a state parliament, and officials have a right to "the necessary leave in order to prepare for the election." The present state of the law in the countries where political rights are most restricted seems to arise out of an undue reaction from an overdose of the 'spoils' system. In England, where officials must resign upon accepting candidacy for Parliament, long agitation has resulted in the creation of a treasury committee to inquire into and report upon increased political freedom for civil servants.

The demand for self-government has had its soundest realisation, so far, in England. Whitley councils, representing nearly all the members of the service, were created in 1919, to cover each particular branch of the service. Above all these departmental councils stands a National Council. Work of an important and effective nature has been accomplished in the matter of promotions and discipline, superannuation, further education of younger civil servants, and regrading and reorganization. The zeal with which the staff side of the councils has flung itself into the work of investigation and inventive thought augurs well for the success of the system and the happy working of the service. There is a pride in the new status which is justified, not only because it ministers to good administration, but because it elevates the humanity of the official. "The third and perhaps the most important feature that distinguishes our inquiry from any that have come before it," says the Staff Side Report on the Organization of the Civil Service, "is its recognition of a new principle of coöperation in the public service."

One can observe, however, in all that has preceded, the phenomenon of a body of citizens treated, as a unit, differently from the rest of the nation, owing to their vocation. That is not altogether sound, for good government lies in a community

of life between governors and governed, rather than in immuring each party within distinctive privileges and prohibitions.

The matter is best illustrated by the Australian Arbitration (Public Service) Act of 1920. Before 1920 public service organizations filed their complaints as to pay and conditions of work before the ordinary arbitration courts, and the cases were judged according to the ordinary industrial laws and rules of equity. The judges gave conflicting decisions, upsetting the equality of conditions of pay, hours, and so forth, among the various grades of the service which, for the sake of fairness and efficiency, the public service board had tried to dovetail together. Therefore in 1920 a special arbitrator was appointed for the public services. It was hoped that future judgments would rest upon a jurisprudence derived not only from the general principles of justice, but from the special character of employment in the service of the state. That is, a special character is recognised in state employment, differentiating it from employment by private agencies and through private bargains.

That special character seems to emanate from the inability of the state to make private bargains with each individual servant. This is due to various causes: the service is usually so big; the public services must not be stopped while competitive bargaining is going on; a continuity of service is necessary, and this demands stable conditions of employment and contented servants; and parliaments insist on exercising a supervision, and even a control, which in some cases may become meticulous in the extreme.

These facts also form the reasons for the existence of another of the basic problems of the civil service in the modern state: classification. This may be defined as the problem of treating all servants in the service doing equal work, equally; and where there is a difference in the amount and quality of work done, of proportioning reward to service; preliminary to which is the creation of classes and standards of work by which comparisons can be made. The experience of all countries shows how necessary such classification is, in spite of the fact that it is difficult to establish, more difficult to maintain in the face of develop-

ment, and almost impossible to satisfy the individual civil servant that he has been rightly placed in any particular category; since he, in company with other human beings is like the crab, which, according to William James, would very likely be filled with a sense of personal outrage at hearing itself classed as a crustacean, and would say "I am no such thing; I am MYSELF, MYSELF alone."

A branch of the subject, as piquantly interesting as it is important, is what public opinion thinks of the civil service. Countries are intriguingly similar and different in this respect. The rather intangible nature of the subject-matter makes any perfect depiction impossible, but we may try our hands at England, France and Germany in turn. In England the general public is on the whole mildly indifferent to the existence and works of the civil service. There is, however, a general impression among moderately intelligent newspaper readers, that 'red tape,' or unnecessary slowness and formality in the despatch of business, prevails; that civil servants undeservedly lead an enviably secure and stable life, permanently assured of short hours, good pay, long holidays, pension-rights, and not much work; that incompetence goes unpunished. The vaguely remembered descriptions of Dickens' Sir Tite Barnacle and the Circumlocution Office and the daily round of Anthony Trollope's *Three Clerks* lend a background of colour to more modern instances of inefficiency. The occasional high lights on administrative pathology are of fiercer efficacy in the creation of opinion than the steady meritorious work accomplished day after day.

The public service suffers because it is the only business concern which does not advertise. The principle of ministerial responsibility, the balance wheel of the English political system, consigns the civil servant to anonymity when he is right, and not seldom exposes him to mordant attacks when he is wrong. Yet it is known and appreciated that many of the best minds in the country enter the service of the state. Within this general scheme the House of Commons prides itself upon its rôle as the grand inquest of the nation. It never ceases to watch, nor does it ever omit to challenge, the day-by-day administration,

and it stands on guard against the never-ending audacity of officials; just as in days gone by it contrived that the prerogatives of the Crown should be converted into the privileges of the people. For parliament feels that officials are better placed than ordinary folk to follow the universal and seemingly irresistible tendency of human beings to magnify their offices and extend their powers. Yet jealousy of and trust in the civil servant have been nicely balanced, and a gratifying mutual respect reigns between service and legislature.

In France, the *fonctionnaire* looms larger in the public mind than in England; for despite many revolutions, the principle of individual liberty has not been very usefully embodied in institutions, and age-long tradition of *étatisme* and centralisation remains unshaken, and, indeed, has, in the last three decades, been notably reinforced. The administrative spirit of Louis XIV and Napoleon I still finds a congenial home in Paris and the capital towns of the *départements*; and the one million officials and employees amount to one in ten of the entire electorate. To the public, then, the service is a subject of dislike and suspicion; it is so often arbitrary and unjust in its decisions, and, by retarding its judgments, often for years, it abolishes for the citizen the only tool which might give substance to his rights. Perhaps derision has more play than solemn dislike. Invective, frequently scabrous, and always pungent, is poured upon the incumbents of the *bureaux* with a Rabelaisian zest.

Monsieur Lebureau, if I may be permitted to change his sex for a moment, is a national Aunt Sally, at whose figure it costs nothing, while it brings gay applause, to fling barbed epigrams. Here, as in other walks of life, it is possible to enjoy a grumble, because no one expects to be called upon to amend the thing at which he grumbles, the politicians least of all. Balzac, De Maupassant, Georges Courteline, and Anatole France have limned immortal pictures of the *fonctionnaire*: a rather somnolent person with occasional love affairs and domestic worries, anxious to propitiate his superiors and to kick the behinds of others, zealous to earn his living and decorations with the minimum of work and the maximum of thought-saving habits,

and mildly yet invincibly convinced of his social dignity. It might be a description of anybody: we are all akin; and that is what the political scientist is obliged to remember in making his investigations.

The sharpest thorn in the side of the French civil servant is, of course, the Chamber of Deputies. That impetuous body makes mighty prods at the service, and, in the name of democracy, even attempts to control the everyday work of the service. It succeeds in getting much enjoyment out of the former; but never has, with anything like the excellence of England, effected the latter. The service, then, goes its way, hide-bound by traditions, some of them good, by solidarity of interest in its own defence against the aggression and contempt of Monsieur Le Parlement, and by its special immunities under *droit administratif*. Public dislike and derision, which are in one way tributes paid to power, have as their counterpart a widespread desire for employment in the service, especially in the minor clerical and industrial grades. The pay is low, but the *fonction* is a safe refuge, and relatives and friends are respectful toward someone 'in the government.'

In Germany, until the Revolution, the civil service was a highly honored aristocracy. It was an estate of the realm, and a great profession; and its highest grades were easily on a par, in influence and public esteem, with the *Offizierkorps*. You could no more insult them than you could insult the Emperor. Its efficiency was real and of a high quality, and did not fail to obtain public recognition. The Reichstag, as Bismarck² was supremely fond of saying, was a *Redeparlament*: it deliberated at great length. But the bureaucracy did valiant service and was uncorrupt. They were the real governors of Germany, splendidly trained, clever, forceful, industrious, far-sighted, public-spirited; and the nation had never known others.³ The citizens were not unhappy with the good government in steering

² I am aware that he also distrusted the "administrators of the green-baize writing-table." But then he distrusted everybody: even his Divinity was his accomplice.

³ Another aspect of this question is discussed at length in my *Representative Government and a Parliament of Industry* (Allen & Unwin, 1923, London).

the course of which they had no part; and the relationship between their contentment and the bureaucracy was not difficult to trace.

The onset of the Republic shook the authority of the civil service though it did not impair its essential power, and it will be decades before the spirit of a free electorate permeates this more ancient institution. The period of inflation adversely affected his corruptibility, but when the whole world was gambling to live, the civil servant could not be expected to starve; the misdemeanor was fugitive. The main lines are still unshaken: a civil service great and growing in size, efficient in the highest degree, respected and uncorrupt, somewhat autocratic in its action, but with the promise of liberalisation through republican institutions.

Other problems there are, but lack of time compels their omission. Among them are the principles of discipline, retirement and pay, which actually do and ideally should prevail in the public service. But sufficient has been accomplished here if this Klondike in the territory of political science has been put upon the map, and if some among the stream of explorers are induced to turn in that direction.

CONSTITUTION V. CONSTITUTIONAL THEORY

THE QUESTION OF THE STATES V. THE NATION

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The relation of the states and the nation is a topic on which there is a good deal of discussion these days. One week last spring brought to my desk four pamphlets on the subject—all of them from an anti-nationalistic point of view, and most of them emanating from the sovereign state of Maryland. At the same time *The Times* newspaper carried several articles on the subject. One was a rebuke by the President of the present tendency to look toward the national government for everything. A day or two later another utterance from the same distinguished source called for the establishment of a "federal" bureau of recreation.

But, along with this ancient issue, whose infinite variety time has never yet been able to wither or custom to stale, goes another of even broader import.

Like other branches of learning, constitutional interpretation pretends to a certain terminology or jargon of its own, but just how accurate this is, is indeed a question. And if it be inaccurate, this fact furnishes all the more reason why some attempt at defining terms should accompany a consideration of the question of the constitutional relationship of the states and the nation.

First, we have the term constitution, but even that is of ambiguous significance. In the formal sense the Constitution of the United States is the written instrument which was drafted at Philadelphia in 1787, plus the amendments which have been added since, in accordance with the forms laid down in the same instrument. In a material sense, however, the Constitution of

the United States is much more than this. For what is the purpose of a constitution? Briefly, it is to lay down the general features of a system of government and to define to a greater or less extent the powers of such government, in relation to the rights of persons on the one hand, and on the other—in our system at any rate—in relation to certain other political entities which are incorporated in the system.

But now, if we keep this definition of purpose in mind, it at once becomes evident that the actual Constitution of the United States is much more than the formal written constitution. The former includes the latter—or much of it—but it also includes certain important statutes, for example, The Judiciary Act of 1789, as amended to date, The Presidential Succession Act of 1886, The Inter-State Commerce Act, or portions of it, and so forth. Also, it includes certain usages of government which have developed since the formal constitution first went into effect, and some of which, indeed, have virtually repealed portions of the latter. In this connection the present rôle of the electoral colleges in the choice of President springs to the mind of everybody, but the rise of the committee system in Congress and the development of the President's Cabinet have done scarcely less violence to the intention—or more accurately the expectation of the framers of the constitution.

Lastly, the Constitution of the United States in its material sense includes a vast bulk of judicial decisions, particularly decisions of the national Supreme Court, which—at the behest of private interests for the most part—undertake to define certain terms of the formal constitution. Nor can it be questioned that some of the terms which have furnished the basis of judicial decisions were inserted in the constitution for the direct end of safeguarding private interests through the medium of the courts; but it is also clear that the scope of judicial supervision of political power in our system has been greatly enlarged by the assumption that private interests are legally entitled to the immunities arising from mere defect of power in this, that, or other instrument of government. It results, hence, that judicial interpretations of the constitution are important, not only in the

definition of the rights which are thereby recognized, but also for their effect upon the distribution of governmental power among the organs set up by the constitution.

We are thus brought to a second term of interest to our science, constitutional law. This, too, is ambiguous—indeed doubly so, as we shall shortly perceive. In the first place, the term law is ambiguous—*multiguous*, if there be such a word. However, we may content ourselves with considering two definitions: (1) that law is a rule of action; (2) that it is a rule of judicial decision. The two ideas are not mutually exclusive, for a rule of judicial decision must still be a rule, unless we accept Professor Gray's apparent supposition that a court is incapable of apprehending a rule. On the other hand, there are rules which in fact determine constitutional procedure in our system, though they have never received judicial sanction, or have received it only incompletely. Indeed, it is demonstrable that in some instances the judicial theory of the constitution has finally thrown up its hands in despair and surrendered to some rule of action of the political branches. Thus, if one will turn to the *Insular Cases*, he will find that at one time at least the court entertained one theory on the question of whether the constitution follows the flag and that Congress followed a quite opposed theory, and he will find further that the court at last surrendered its theory and adopted that of Congress. And it is much the same as to the question of the scope of Congress's powers in the appropriation of money for "the general welfare of the United States." The recent case of *Massachusetts v. Mellon* gives some indications that the court has its own opinion on this matter, and that it is by no means the latitudinarian view which has always been acted upon by Congress; but the same case also shows the court's persuasion that there are times when discretion is the better part of valor, and that the question of the validity of the *Maternity Act* was such an occasion. Neither has the court ever ventured to traverse directly the doctrine that the power of removal is a branch of the executive power of the President, although it has made clear its opinion that this doctrine, viewed simply as a product of the human mind, is distinctly inferior

to its own view that the power of removal is an incident of the power of appointment.

But the second ambiguity lurking in the term constitutional law is even more of a pitfall. It may be described as consisting of the indefiniteness of demarcation of constitutional law from constitutional theory. This indefiniteness furnished, it is hardly necessary to say, the very foundation of Marshall's work as expounder of the constitution, and so it is not surprising that it is best illustrated in some of his opinions. Take, for instance, the case of *McCulloch v. Maryland*. In this case the court ruled that a certain tax which the State of Maryland had levied on certain operations of a branch of the Bank of the United States located in Baltimore was void, as representing a claim on the part of the state of a constitutional power to control or even destroy an instrumentality of the United States government. The opinion is compounded of theories as to the nature of the power to tax, of the intrinsic limits of state power, of the relation of the states to the national government under the constitution, of the nature of the constitution, and of the nature of its source. The constitution, it is asserted, comes from the people of the United States and not the states, and is therefore to be generously construed from the point of view of making it a useful instrument of popular government. Therefore, the terms "necessary and proper," construed in this context, mean simply convenient, and the bank being a convenient fiscal instrument, is an agency of the United States government, beyond the reach of all state powers which might be wielded in a hostile fashion, among such powers being that of taxation, which is a power of destruction. And so on—what part of this argument is constitutional law, what part is constitutional theory?

Judging from the use which the court itself has made at various times of the broader aspects of its own previous utterances, as well as from the practice of commentators, constitutional law should perhaps be defined as my-constitutional-doxo and constitutional theory as your-constitutional-doxo. But this flippant dismissal of the subject would end my paper right here and so must itself be dismissed. What is more important, I must utter

a caution against a possible inclination to regard constitutional theory as a deduction from constitutional law. The truth is rather the exact reverse of this; and particularly is this so within that field of either, which deals with the relationship of the nation and the states. The relation of constitution, constitutional law, and constitutional theory to one another—especially as they affect the problem just mentioned—may be shown diagrammatically—not that a diagram proves anything, except possibly the inability of the maker of it to express himself as well in some other way. You are, then, to conceive the constitution in the formal sense as the nucleus of a set of ideas. Surrounding this and overlapping it to a greater or less extent, is constitutional law, in the formal sense too of a rule of decision. Outside this, finally, but interpenetrating it and underlying it is constitutional theory, which may be defined as the sum total of ideas of some historical standing as to what the constitution is or ought to be. Some of these ideas do actually appear more or less clearly in the written instrument itself, as for example, that interpretation of the doctrine of the separation of powers which yields judicial review; others tend toward solidification in the less fluid mass of constitutional law; and still others remain in a more or less rarefied or gaseous state—the raw materials, nevertheless, from which national policy is wrought. But how wrought? In answering this question let us turn for a moment to the other phase of our subject—the relationship of the nation and the states.

Considered for its final result, the struggle which attended the adoption of the constitution was less a struggle over whether it should be adopted than over the interpretation which should be put upon the act once it was accomplished. The friends of the constitution were for the most part nationalists, and it was they who set the new government in operation. But the other point of view was early formulated in the Virginia and Kentucky Resolutions, which in time became a gloss upon the constitution fully as authoritative as the written instrument itself; and in 1838 the United States Senate adopted by the vote of 31 to 13 a resolution offered by Calhoun which declared the constitution

to be a compact of sovereign states. Meantime, the other point of view had received reiterated statement from the Supreme Bench in the opinions of Chief Justice Marshall, whose greatest service perhaps was just this service of keeping the breath of life in the nationalistic tradition over a critical period. The Civil War, however, restored the idea of the national government as a territorial sovereign, though one of restricted powers. Then, two decades later, the development of industry on a national scale produced an alliance between the principle of nationalism and that of *laissez faire*, which operating through the commerce clause, shattered state control of business. But the commerce clause proved a two-edged sword, and the very precedents which relieved the railroads, for instance, from local regulation became the foundation of national regulation. The result has been a new turn of the kaleidoscope, a new combination of elements of constitutional theory, and some new constitutional law.

Of the issues between those who pose as the champions of nationalism today and those who take up the cudgels for states' rights, the most exigent and interesting one concerns the question of the allocation of the purposes of government in the United States. Both nationalists and states' righters are in general agreement that there are certain large purposes which any system of government should serve. The issue between them is of how these purposes are supposed to be served under the constitution of the United States. The one party holds that the purposes for which the national government may constitutionally exercise its powers are relatively few, and that the ultimate objectives of good government are for the most part, under our system, reserved to the states, whose police power has been defined always as the power to promote the public health, safety, morals and general welfare. The other party answers, however, that while the powers of government are divided in the United States, its broader purposes may be served by each government within the field of its powers, and that the purposes which the police power of the states is designed to serve are by no means reserved exclusively to that power, that it was no thought of the framers of the constitution in erecting a national government

and assigning it certain powers to withdraw those powers from the service of the major objects of civilized society, that the preamble in the constitution itself proves the contrary purpose. The one theory may be termed the theory of competitive federalism; the other, the theory of coöperative federalism.

Just at the present writing it would seem that the competitive theory has the better of it. In interpreting the commerce clause, the Supreme Court has shown itself ready to permit the national government to make vast inroads upon what had been thought to be reserved powers of the states, so long as its object is the promotion of commercial prosperity. On the other hand, as the recent child labor cases show, once the national government operating on the same clause undertakes a program of humanitarian legislation, then the reserved rights of the states become a very grave consideration indeed.

Yet this was not always so. More than a hundred years ago, a national judge, confronted with the states' rights argument of limited national purpose, answered it thus: "The power to regulate commerce is not to be confined to the adoption of measures exclusively beneficial to the commerce itself, or tending to its advantage; but under our system, as in all modern sovereignties, it is also to be considered as an instrument for other purposes of general policy and interest . . . The situation of the United States in ordinary times might render legislative interferences relative to commerce less necessary, but the capacity and power of managing and directing it for the advancement of great national purposes seems an important ingredient of sovereignty." The judge then cited the constitutional clause interdicting a prohibition of the slave trade until 1808. This, said he, proved clearly the view of the framers of the constitution "that under the power to regulate commerce, Congress would be authorized to abridge it in favor of the great principles of humanitarian justice."

Indeed, it was not so very many years ago that the Supreme Court itself, in sustaining the Mann White Slave Act, used the following language: "Our dual form of government has its perplexities, state and nation having different spheres of jurisdic-

tion . . . but it must be kept in mind that we are one people, and the powers reserved to the states and those conferred on the nation are adapted to be exercised, whether independently or concurrently, to promote the general welfare material and moral." A better statement of the coöperative theory of the federal relationship could not be asked for.

So much for the national view-point; now for that of states' rights. It will be found underlying Chief Justice Taft's explanation, in the recent case of *Bailey v. The Drexel Furniture Company*, of the earlier decision in *Hammer v. Dagenhart*, in which the first Child Labor Act was held void. "When Congress," says the Chief Justice, "threatened to stop inter-state commerce in ordinary and necessary commodities, unobjectionable as subjects of transportation, and to deny the same to the people of a state in order to coerce them into compliance with Congress's regulation of state concerns, the court said this was not in fact a regulation of interstate commerce, but rather that of state concerns, and was invalid." "State concerns," "unobjectionable subjects of transportation"—in other words. Congress may prevent child labor from injuring transportation, but not *vice versa*.

Let us now turn back to the other phase of the topic announced: constitution v. constitutional theory. What I have been doing obviously is to seize the occasion to indoctrinate you with my favorite brand of constitutional theory on a certain current issue, while illustrating the relation of constitutional theory to the constitution and to constitutional law. But at this point I am likely to be met with an objection which, in the very act of anticipating it, I shall endeavor to appease. This will be that the real stimulus to the development of constitutional law comes not from constitutional theory, but from considerations of public policy, themselves the outgrowth of social change, and that the relationship of constitutional theory to such considerations, like that of constitutional law, is a purely instrumental one. Indeed, the objector may speak more bluntly, and declare that the judges are often at least the partisans of identifiable economic interests, and that precedent and theory are only a

camouflage in the shadow of which matters of choice take on the delusive appearance of inevitability.

No student would care to deny altogether the force of these views. A full explanation of the growth of American constitutional law must recognize that the relatively compact universe of constitutional theory is bathed in a vastly wider atmosphere of social and economic activity, athwart which are constantly blowing the winds of change, set loose no man knows how. Here is the very realm of the "inarticulate major premise" of which Justice Holmes has spoken. Nor is Justice Holmes's the voice in the wilderness that it was once. Nowadays almost everybody admits, however grudgingly, that the judges make law, and that not merely in the sense of adding to or subtracting from the supposititious intention of a more or less supposititious law-giver, but also in the sense of determining such additions and subtractions by their own preferences. Those, therefore, have a certain amount of truth on their side who would make legal history a side issue of judicial biography.

Yet granting all this, does constitutional theory—by which I mean, let me repeat in substance, those generalized, and often conflicting views of what the constitution is or ought to be, which are often as old as the constitution itself—does constitutional theory in this sense lose its significance? Certainly not altogether; and in one respect it takes on a new importance. I refer again to the matter of judicial legislation. The question nowadays is not so much whether the judges do make law, but rather the extent of such law-making, a question which arises from the extremely elusive character of judicial legislation. How is it that intelligent judges can deny to this day that they do make law? In the field of our constitutional law the answer is furnished in great part by the relationship which I have already pictured as existing between constitutional law and theory. Almost from the beginning, as we have seen, two theories have been going as to the relationship of the states and the national government under the constitution. Each theory in turn has enjoyed its period of predominant influence with the court, and each in consequence has back of it a respectable line of

supporting precedents. It results that when the court comes to deciding issues along the line which divides national and state power today, it finds itself in an extremely comfortable position. It has a free choice between two lines of precedents, so that once its choice is made, it becomes assimilated to the one or the other of these lines, and every appearance of choice is thus automatically occulted. In the words of Montesquieu, "The judges are but the mouthpieces of the law."

In short, the existence of certain standardized, but conflicting views of the constitution both confers upon the judges perfect freedom of decision where the issue before them is one that can be stated in the terms of such views, and at the same time sets up a defence against any attack based on conventional notions of judicial function, which it is extremely difficult to break down. When John Randolph declared of one of Marshall's decisions, "All wrong, all wrong, but no man in the United States can say wherein wrong," he was only expressing the sense of bafflement that many other critics of judicial decisions have felt.

The question, however, remains whether the average judge takes quite so sophisticated an attitude toward constitutional theory; and on that point I venture to express a strong doubt. The average Supreme Court judge, I believe, takes his constitutional theory very seriously. As Justice Holmes has observed from a long experience of judges, "They are apt to be naïf, simple-minded men, with little of the spirit of Mephistopheles." To them such phrases as the separation of powers, check and balance, judicial independence, national supremacy, states' rights, freedom of contract, vested rights, police power, not only express important realities, they *are* realities—they are forms of thought with a vitality and validity of their own. Nor is it anything to the point that many of these ideas, when pressed to their logical extremes collide with others of them. The most ordinary function of a high court is to demark the limits of jurisdiction of conflicting principles of law. In the field of constitutional law the court may well feel that its highest duty is so to adjust the claims of contradictory ideas as to prevent either from being crowded to the wall.

Nor is this the whole case for the importance of constitutional theory as a determinant of constitutional law, and so of the constitution itself as a factor of every-day life. The further point I have in mind has been so well put by Sir Henry Maine, that I quote his words: "Nothing in law," says he, "springs entirely from a sense of convenience. There are always certain ideas existing antecedently on which the sense of convenience works, and of which it can do no more than form some new combination; and to find these ideas . . . is exactly the problem." Thus, in many instances, ideas inherited from the past furnish the mould of present policy, which takes shape and direction from them, and may in fact be entirely transformed by them. Take, for example, the Eighteenth Amendment. This makes prohibition a national policy; but in the very act of doing so, it subjects this policy to the general procedure of the constitution, which is to say, of the constitution as it has been interpreted to date. The final result may be to mitigate the original policy very decidedly. The enactment of a law is only the first step—often a comparatively unimportant step—in the *making* of a law; and one of the conditions to which the new law must accommodate itself is existing forms of thought on legal subjects.

These observations bring us into contact once more with the other phase of our subject. Two questions suggest themselves: first, whether it would not be a good thing if constitutional theory could be abolished; secondly what effect its abolition would have on the question of the relation of national and state power? Toward the end of the nineteenth century a school of German theologians, which had its followers in this country, announced it to be their programme to get rid of what they called the incubus of the Pauline theology. Their argument was that while the authentic message of Christianity was as vital as ever, the harsh, stiff concepts of the Pauline teaching were unadjustable to modern needs and that, therefore, if Christianity was to survive, the screen which the Pauline theology obtruded between the modern believer and the pure faith must be kicked away. Might not a similar Puritanism be summoned to the

defence of the constitution and against the gloss of constitutional theory that so often encumbers its provisions?

It is certainly true that the maxims which the courts have built up to guide them in the construction of laws and constitutions owe far too much to their work of construction in other and quite different fields where the public interest was not involved. A maxim especially in point in this connection is that which says that the court must give effect to the will of the law-giver. This maxim comes straight from the law of Wills. Naturally the intention which should govern the application of a will is that of its maker, although he is dead before the task of ascertaining his intention arises. But is there any reason why the intention of a law-maker, as distinct from that of the law itself should govern the law's interpretation? To be sure, the law-maker is dead the moment the statute is made; that particular law-maker—that is to say, that particular congeries, or consensus of individual wills—will never in all probability function again, legislatively or otherwise. Is there, however, any reason why weight should be given in the interpretation of the law to the fact that such a law-giver did for one single instant flash into existence and then with equal celerity pass into an unrecoverable oblivion?

Yet it is this maxim that the intention of the law-maker governs which has always been the principal, if not the sole viaduct, so to speak, between the constitution and constitutional theory. Constitutional theories the most contradictory have from the first claimed the attention of the official interpreters of the constitution on the score of representing the real honest-to-goodness intentions of the framers of the constitution, or if not of its framers, then of those who adopted it. Fortunately, the court has not always treated such arguments as relevant. Marshall in his opinion in *Gibbons v. Ogden* thought they should be heeded very rarely—though at other times his attitude is rather different. Not so many years ago the court dismissed an appeal to the intention of the framers in these brusque words: "The reasons which may have caused the framers of the Constitution to repose the power to regulate inter-state commerce in Congress do not . . . affect or limit the extent of the power itself."

And is not this the position which the court ought always to take in this year of grace, one hundred and thirty-five years after the framing of the Constitution? As a *document* the Constitution came from its framers, and its elaboration was an event of the greatest historical interest, but as a *law* the Constitution comes from and derives all its force from the people of the United States of this day and hour. In the words of the preamble, "We, the people of the United States, *do* ordain and establish this Constitution"—not *did* ordain and establish. The Constitution is thus always in contact with the source of its being—it is a living statute, to be interpreted in the light of living conditions. Resistance it offers to the too easy triumph of social forces, but it is only the resistance of its words when they have been fairly construed from a point of view which is sympathetic with the aspirations of the existing generation of American people, rather than that which is furnished by concern for theories as to what was intended by a generation long since dissolved into its native dust.

Finally, let me put the question, what would result from such a procedure to the notion that the constitution excludes the national government from the main purposes of good government? It can be confidently answered that this notion would fall and dwindle by the wayside. Again, the preamble is in point; for where could a better statement be found of the wider objectives sought by good government the world over, "to promote justice, insure domestic tranquillity, provide for the common defence and the general welfare?" Nor is this to say that the preamble is a grant of power; it is simply a catalogue of the ultimate ends to be served by the powers granted in the constitution itself. No gloss derived from speculative theories about the nature of the Union should have ever been permitted to obscure its clear import.

Furthermore, is it not laid down in numerous cases that the purpose for which a legislature exercises its powers is a question of policy which no court is entitled to decide? The attempt, therefore, to apportion the general purposes of government between the national government and the states runs counter

to a once-settled rule of constitutional law. Nor should we forget that, unlike certain specific clauses of the written constitution—the due process clause, for instance—the division of powers between the states and the nation which the constitution sets up does not exist primarily for the protection of private interests but for public benefit—a matter also for legislatures and not for courts. Indeed, if we were to apply in the field of the relation of the national government and the states the full doctrine of political questions, judicial review must cease altogether in this field. This is so because a political question is one primarily over conflicting claims of sovereignty, with the result that when Congress has passed its act, the “political departments” having spoken, their verdict becomes *res adjudicata* and binding on the courts. No doubt, this jurisdiction is too well established to be challenged today; but at least it is questionable if it should be extended. What justifies itself by precedent should observe the limits set by precedent.

These considerations are no doubt irrelevant to the main argument and indeed are added only for good measure. The main argument may be summarized thus: For many practical purposes the *constitution* is the judicial version of it—*constitutional law*. The latter in turn derives in no small part from speculative ideas about what the framers of the constitution or the generation which adopted it intended it should mean—*constitutional theory*. Such ideas, nevertheless, whatever their historical basis—and that is frequently most precarious—have no application to the main business of constitutional interpretation, which is to keep the constitution adjusted to the advancing needs of the time. On the contrary, they frequently contribute to rendering the written instrument rigid and inflexible far beyond what is the reasonable consequence of its terms. The proper point of view from which to approach the task of interpreting the constitution is that of regarding it as a living statute, palpitating with the purpose of the hour, reenacted with every waking breath of the American people, whose primitive right to determine their institutions is its sole claim to validity as a law and as the matrix of laws under our system.

As an illustration of the artificial difficulties created by reliance upon constitutional theory I have instanced the recently developed doctrine of the court that the national government may use its powers only in the service of certain very restricted interests—a theory which clearly underlies the recent Child Labor cases. The doctrine is a solecism and flies in the very face of the preamble of the constitution. But furthermore, constitutional theory, by the choice which it frequently offers of contradictory premises, enables the court often to legislate without assuming the due responsibilities of legislators. Lastly, had time permitted, I might have run over some older precedents of constitutional law, and have pointed out how essential it is that they should be rectified and how the task of their rectification would be assisted if the court would but brush aside obscuring theories and read the textual constitution afresh. Thus, the foundation of constitutional tax exemption is almost entirely doctrinal. When the written constitution relieves anybody from the ordinary duties of citizenship it is quite explicit on the point. But if there still must be an appeal to the framers of the constitution, let it be Marshall's appeal: "The constitution [was] intended to endure for ages, and consequently to be adapted to the various crises of human affairs."

COMMENT ON MR. CORWIN'S PAPER

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The function of the discussor of a paper is, I take it, like that of Antony at the funeral of Caesar: to bury Corwin, not to praise him. Unfortunately Mr. Corwin has been wanting in the good intentions to pave the way for such a sepulchral performance on my part. He has himself recognized the force of the objections which I would urge to the first half of his paper, had that been all of it, and he has made clear that we cannot tell to what extent constitutional theory is a crutch grabbed to help a wayfarer hobble on to his chosen journey's end, and to what extent it is like a flood or a landslide which sweeps a passive person willy-nilly along its own appointed way. Even worse than this, Mr. Corwin confesses that his game is to indoctrinate his hearers with his own preferred brand of constitutional theory. How can one expose a confidence man who takes us all into his confidence like this? If Mr. Corwin's heart were not as hard as his head, he might have shown more sympathy for his commentator and left him a few soft spots where he might dig in with his intellectual toes.

Mr. Corwin is to be thanked for emphasizing that constitutional theory as commonly preached is not derived by induction from the particularities of constitutional law. Its glowing generalities endow discussion with more heat than light. The holy name of states' rights is easily forgotten when employers wish their laborers sober and unctuously invoked when they wish their laborers young. The name is a name to conjure with only when convenient. Similar sins of contradiction are committed in the name of individual liberty. There is much silly constitutional theory about the power of the Supreme Court over legislation. It gives us lovely pictures of a clear and unmistakable will entertained by some mythical sovereign at some remote date and expressed so lucidly in the words "due process of law" that only four out of nine judges can possibly be blind to it. We can dismiss all such constitutional theory as imbecile, but we cannot dismiss it as impotent. Without doubt it often raises emotional mists before the eyes of men

and judges and leaves them incapable of realistic analysis of the competing practicalities in the situations before them for judgment. Mr. Corwin complains that "constitutional theory, by the choice which it frequently offers of contradictory premises, enables the court often to legislate without assuming the due responsibilities of legislators." I add to this the further lament that thereby judges may dodge not only the responsibilities of legislators, but also the inquiry, the analysis and the judgment by which alone may legislation command confidence.

Most of our constitutional clauses are couched in such broad language that courts are fairly free to decide most issues as they think best. The formulae which judges have evolved to amplify the constitutional language are usually as latitudinarian as the writing on the original parchment. In answering questions arising under such clauses or formulae, no invocation of amorphous abstractions or of broad generalizations can amount to the giving of a reason. Yet the opinions are all too full of such abstractions and generalizations and all too empty of practical reasons. If we had to take our constitutional law from what the court says, we should find it as a whole a conglomeration of contradictions. Only by careful consideration of what the court does and of the situations to which it does it, can we get any appreciable order out of the doctrinal chaos. If we view the judicial product as a congeries of particular judgments, we find that the judicial record for wisdom is highly respectable. The decisions most widely condemned as blunders are customarily accompanied by an undue infusion of unwarranted constitutional or economic theorizing in the opinions.

I fully agree with Mr. Corwin as to the unwise use often made of what he calls "speculative ideas about what the framers of the constitution or the generation which adopted it intended it should mean." I agree that when such ideas are purely "speculative" they have, as he says, "no application to the main business of constitutional interpretation." I come close to agreeing that this main business "is to keep the constitution adjusted to the advancing needs of the time." I pause, however, when I come to his conception of the constitution as a "living statute, palpitating with the purposes of the hour" and "reenacted with every waking breath of the American people." Yet I am not sure just how many jots and tittles I would subtract. I do feel that judges owe some respect to things as they were in the beginning. The pretended national taxation of oleomargarine, narcotics, child labor and grain futures was a decided departure from what was bargained for in 1787. In my judgment such acts merit judicial vetoes

whenever on the face of the statute the court can find palpable proof of the exercise of broad police power. Whether the Income Tax cases fall in the same category is more doubtful. The denunciation of them did not emanate from the underlying idea of the apportionment clause. My speculative notion of what the framers intended is that recurring and unescapable taxes on property should be subject to the apportionment check. In all substance, income taxes on rents and interest and dividends are in most cases pretty close to taxes on the capital property. The critics of the Income Tax cases were animated by a judgment that the conditions underlying the original bargain had passed away, as indeed they had. Here, then, was a situation where there was a sharp conflict between the past and the present. The court kept faith with the past, but the faith was no longer the faith of the contractors. It was mainly the hope of the recipients of income. The gods which the decision worshipped were private gods and not public gods.

This brings me to my final doubts as to whether I really disagree with Mr. Corwin at all. The bargainers who made the original federal compact hailed from states which only in name are the same states today. These states have added to their number nearly three times their original company. These junior sisters joined the family without any real reliance on judicial preservation of the ideas and sentiments of 1787. Any notion that they were contractual privies to the original thirteen would be pure fancy. As territorial children tied to the apron-strings of the national mother, they got restive as they got stronger and they eagerly substituted comparative emancipation for their previous condition of complete subordination. They would gladly have joined the union one by one whatever their anticipations about Supreme Court sanction of departures from the anticipations of the framers and the ratifiers. To speak of territories or states as anticipators in any sense is to use a tricky figure of speech. A few folks pulled the wires that turned a territory into a state, and these folks didn't think in terms of an earlier solemn compact to which the about-to-be-created state would become an adherent. The rest of the folks then affected probably did not think about the matter at all. There were no solemn contractual reservations of a mythical *status quo ante* for the benefit of generations yet unborn. No existing human animal as a citizen of some present-day state ever entered into his relations with government on the faith that the Supreme Court would continually try to think the thoughts that James Madison or Melancthon Smith, or any other man of 1787 or 1788, might have thought. Nor did any of these ancient thinkers put their

preferences into a perpetual trust fund and endow us as their heirs with vested equitable interests therein. All talk in analogies of contract law and property law is just sheer make-believe. Distinctly state interests are adequately safeguarded by equality of representation in the Senate and by the fact that the folks who send representatives to the national legislature are folks who dwell in the several states.

So you see that Mr. Corwin has me tottering. My feeble effort to dissent may be the product of some aesthetic leanings toward intellectually harmonious development of the original plan. My appeal to intellectual morality in invoking a duty to keep faith with the past may be merely the struggle of a vestigial Puritan conscience to save itself from complete annihilation. Perhaps also I shrink from Mr. Corwin's chaotic conception of the scope of national power because it threatens a revolt against the throne of constitutional knowledge whence cometh my daily dole. I cannot swallow whole a contention that the Supreme Court should let Congress do anything that is a good thing to do, but I feel myself slipping fast toward substantial accord with the position against which I started out to caution you. I know that it is not the states which care for states' rights. It is folks, and almost always folks who want freedom to harm their fellows. When there are sound pragmatic arguments against new extensions of national power, there is no need to prate of states' rights. Mr. Corwin has persuaded me to look with tolerance upon a constitutional theory that will let us write into the constitution all the wisdom that the words will permit. I warn him, however, that not from constitutional theory will come the wisdom to guide our writing. If he stills the winds of foolish doctrine, he must give us in their place some guides to the way of wisdom in making an indefinite series of practical judgments. The job cannot be done by substituting new doctrine for old. If Mr. Corwin is to be the Moses to lead us from the land of the Constitution as our Fathers knew it, may he also be the Joshua to encompass the Jericho of ensuing uncertainties and to supervise the blowing of horns until the walls shall fall down flat.

LEGISLATIVE NOTES AND REVIEWS

EDITED BY WALTER F. DODD

Governors' Messages.¹ The illogical position of a newly elected executive when called upon to give information regarding the condition of the state and make recommendations to members of a legislature, many of whom may have served the state for years, is recognized by a number of the present governors.

Taxation. One need not read far in any message as a rule, to discover that the states are hungering for money,—that making both ends meet seems to be an almost perennial problem before these units of government, but one is relieved of a taste of sordidness by an acquaintance with the activities continuously performed by their agencies.

Governor Branch of Indiana, aside from his opposition to tax-free bonds, is satisfied with the tax law of the state as "one of the best, not only in Indiana, but in any other state." Governor Small would uncover by some means the hidden wealth of Illinois and subject it to taxation. In Iowa, Governor Kendall leans toward a graduated tax on railroads and, in order to secure the listing of intangible personality, he would require the petition, in all actions upon notes and mortgages, to contain a verified allegation that the evidence of indebtedness had been reported for taxation. The incoming governor, Hammill, believes that further efforts to tax intangibles are futile, and that taxes on incomes and business earnings must supplement or take the place of the general property tax.

Governor Preus of Minnesota notes that the *ad valorem* tax and the occupation tax levied in 1921 upon iron ore represent more than forty per cent of the average net value of the ore. In Nebraska, Governor Bryan favors the repeal of the intangible tax law of 1921, providing for

¹ Messages from both retiring and incoming governors were received for Maine, Delaware, Arkansas, Indiana, Iowa, Minnesota, North Dakota, South Dakota, Nebraska, Colorado, and Washington. No messages have been secured for the regular legislative sessions in Louisiana, May, 1924, and in Georgia, June, 1924, nor from Governor John H. Trumbull of Connecticut, who succeeded Governor Bingham almost immediately after the latter's inauguration, or Governor Howard M. Gore, of West Virginia, who took office in March.

the assessment of this kind of property at one-fourth of its value; and he opposes special mill levies and any increase in taxes, especially a tax on gasoline. The latter tax is recommended by the incoming governor, McMullen, along with a reduction in automobile license fees and an amendment of the intangible tax law, either in the classification feature, or in the rate of the tax. The legislature of Kansas is cautioned by Governor Paulen in the exercise of the power to classify certain kinds of property for taxation, as permitted by a constitutional amendment of 1924, and is advised to levy a gasoline tax.

Governor Sweet of Colorado proposes an income tax, a severance tax on mineral products and an increase in the gasoline tax. Governor Gunderson of South Dakota asks for additional penalties to enforce the money and credits tax, a capital stock tax on corporations, and a gross earnings tax on railroads. In North Dakota, both the retiring governor, Nestos, and the incoming governor, Sorlie, would increase the gasoline tax; as would also Governors Terral of Arkansas and Winant of New Hampshire. Apparently either the imposition or increase of this tax would please governors Hammill, Blaine, Brewster, Ferguson, and Fuller. An additional effort to reach the wealth of industrial corporations is advised by Governor Ross of Wyoming, as she notes an increase of \$11,000,000 in railroad valuation by the board of equalization.

In the state of Washington, Governor Hartley favors a state board of tax commissioners, with adequate power over assessments, before making any other changes in the revenue laws. In the opinion of Governor Pierce, the repeal of the Oregon income tax was brought about by an expensive and misleading propaganda. He decries the unjust assessment of property, as indicated by the reduction of the tax roll of Multnomah County, exclusive of utilities, by \$14,000,000, in the preceeding eleven years. He would free property from direct state taxes, would introduce a severance tax on all natural resources, and restore the tax supervising commissions for each county, appointed by the governor under a law of 1923, later held to be unconstitutional. These commissions, the governor thinks, would have saved the people \$2,000,000.

Governor Scrugham of Nevada would exempt automobiles from the personal property tax, and increase the gasoline tax to three cents. The latter move is also favored by Governor Hannett of New Mexico, as well as the imposition of tobacco and other sales taxes and the amendment of the present inadequate delinquent tax law, under which an enormous amount of tax is uncollected. The governor's plan is to authorize the state tax commission to employ attorneys, whose fees

would be placed on a percentage basis and assessed as costs against the delinquent owners. District attorneys are now empowered to force collection, but have proved unsuccessful. The governor would repeal the poll and road taxes as impracticable.

In the opinion of Governor Silzer of New Jersey, the inheritance tax, from which nearly one-half of that state's revenues are derived, should be left by the national government to the states. In New Hampshire the courts have embarrassed the state by invalidating the legacy tax of 1919 and, in substance, the inheritance tax of 1923. Governor Brewster of Maine thinks a strengthening of the laws in order to reach more intangible property better than a change in the tax. The income tax is opposed by Governor Billings of Vermont, who points to the recent action of Florida and Oregon, and submits a proposal for a tax on the gross earnings of water power companies.

In West Virginia, Governor Morgan thinks constitutional permission for the taxation of personal property should be secured. Governor McLeod of South Carolina commends a tax on soft drinks and the correction of gross inequalities in assessments, especially on vacant town and city lots. Governor Peay of Tennessee favors an amendment of the constitution to permit the assessment of personalty and franchises on the basis of combined value and income, as well as an increase of the gasoline tax and a tax on tobacco. The latter form of tax is also approved by Governor Ferguson of Texas.

Governor McCrae asserts that everywhere in Arkansas the grossest inequalities in the assessment exist. He denounces the township system of equalization, substituted for the county system in 1917, and favors a return to county boards of equalization, with more adequate powers, and less political in constitution. He advocates assessment at full value, the modification of the state income tax to correspond to the form of the federal law and the creation of a single state agency for the collection of state taxes, saying of the ex-officio collectors: "They are confessedly interested in securing the administration of the tax laws for purposes of politics and patronage."

Appropriations and Budgets. The problem of satisfactory budget and appropriations practice receives considerable attention in the messages. In recent years, the governors generally seem more appreciative of the value of approved methods in this field than they have been in the past.

In Pennsylvania, Governor Pinchot credits the department of state and finance with such intelligent foresight and such effective control in

the first budget ever made in that state that deficiency appropriations have practically disappeared, although they amounted to nearly \$7,000,000 in 1921. Governor Branch of Indiana, explaining that the estimates were reduced \$14,000,000 the first year, recommends the appointment by the governor of a committee of four from the legislature to advise with the budget clerk, and also the inclusion of all state departments under budget control. High commendation is bestowed on the work of the Iowa budget director by Governor Kendall. The operation of the Tennessee 1923 budget law receives approval at the hands of Governor Peay, who urges the abolition of all continuing appropriations.

Governor Smith of New York renews his efforts for a constitutional provision for an executive budget system and the prohibition of unrecommended appropriations until the governor's recommendations shall have been considered. Governor Baker of Missouri calls for the creation of a budget system similar to that of the federal government. In West Virginia, Governor Morgan, while agreeing that the board of public works is a better budget agency than the legislative committees, presents an argument for an executive budget and suggests a constitutional amendment to that end. For North Carolina, Governor McLean urges an executive budget commission functioning continuously, with enlarged power, instead of the present legislative commission. Governor Pothier of Rhode Island recommends the creation of a budget agency independent of any expending department. Governor Gunderson of South Dakota would substitute an executive budget for the present budget board. Governor Hartley of Washington believes in an executive budget to be prepared for the governor by the state department of efficiency instead of by expending officials, an ex-officio board, or legislative committees. In Montana, Governor Erickson recommends itemized appropriations and a new budget law that will not only control state expenditures but also check the disbursements of counties, cities and school districts.

In New Jersey, Governor Silzer, in reducing the requested appropriation for legislative employees, suggests that the legislature might find it more convenient to be served by qualified persons rather than by those who know nothing about their duties, care less and many of whom are seldom present. He also insists that all state funds be paid into the treasury.

Governor Baxter would amend the Maine constitution to prevent the appropriation of public money to any private institution. He,

and the incoming governor, Brewster, consider the contingent fund, established a decade ago, unwise; and the latter opposes continuing appropriations.

In Wisconsin, Governor Blaine advises that all indefinite and unlimited appropriations be restricted to meet unforeseen emergencies only. Governor Bryan of Nebraska would require a specific appropriation for every outlay, and would deposit all receipts in the general fund, as would also Governor Pierce of Oregon.

Governor Terral of Arkansas demands of the legislature conformity with the constitutional requirement of itemization and notifies the members that if the institutions should suffer because of a veto due to its failure, theirs would be the blame. The legislature of Colorado is urged by Governor Sweet to take control of the spending agencies now removed from its power, as the appropriations from the general funds constitute only about twenty-five per cent of the state expenditures. The budgeting of certain special funds is also urged on the Utah legislature by Governor Dern. Continuing appropriations are condemned by Governor Moore of Idaho.

An inventory of permanent improvements and capital expenditures is advocated by Governor Pothier of Rhode Island; and substantially the same by Winant of New Hampshire and Branch of Indiana.

State Reorganization. Plans for administrative reorganization were proposed in several states; and partial modifications are urged in many messages. Governor Smith of New York advocates a four-year term for the governor, and in a special message proposes further consolidations in connection with a constitutional amendment to group the state administration in twenty-one departments. Governor Christianson commends to the attention of the Minnesota legislature a proposal to consolidate 92 agencies into a few departments and to give the governor power to limit the expenditures through a department of administrative and financial control, with budget making, purchasing, auditing, tax regulating and personnel selecting functions.

In submitting the report of a survey on administrative reorganization, Governor Scrugham, of Nevada, says: "Private business is certainly organized on a plan which fixes responsibility on an individual who has the appointment and control of his co-workers. Without doubt such an organization produces a maximum of business efficiency . . . it is not certain that a complete change to private corporation practice would necessarily operate in public affairs."

General reorganization for Oregon is approved by Governor Pierce;

and Governor Gunderson of South Dakota, following the plan of an advisory commission which reported in 1923, proposes the consolidation of fourteen agencies under a department of agriculture and of others under a department of finance.

In Arkansas, Governor McCrae believes that better men can be secured for honorary boards than for paid boards. But his successor, Terral, recommends a highway board of three paid members and desires a paid charities and corrections board of three, to be appointed by the governor, in place of eleven unpaid boards and commissions with a total membership of 63. In Arizona, Governor Hunt seeks complete responsibility for the appointment of administrative officers. For Colorado, Governor Sweet advocates a four-year term for the governor; also a civil pension system for state officers and employees, and a director of finance, appointed by the chief executive to pass upon all bills as they are contracted, a thorough control over the traveling expenses of state employees and a central mailing office to prevent the use of departmental facilities by candidates for reelection. The incoming governor, Morley, recommends the abolition of the state tax commission (there is a board of equalization also), the repeal of several regulatory laws (such as those for boiler inspection and examination of horseshoers) and the elimination of the enforcement agencies.

Governor Bryan of Nebraska criticizes the previous legislature for failure to eliminate duplications and complexities in the administrative departments. He renews his plan of 1923 to have the governor appoint administrative subordinates, and claims to have reorganized the activities under his supervision until little of the "code" arrangement remains. Separate departments for banking and insurance are proposed, the departments of agriculture and public welfare to be abolished and their functions distributed elsewhere. In Kansas, Governor Paulen recommends for the state educational institutions an unpaid board of seven or nine, appointed by the governor for seven to nine years, in place of the small paid board, whose functions include also the charitable and penal institutions, but would retain the business manager.

In Iowa, Governor Kendall claims for the reorganized department of agriculture the performance of vastly more acceptable service at less than half the previous cost. Governor Small, of Illinois, advocates the addition of two new code departments. A central board of control for Indiana institutions meets the warm disapproval of Governor Branch, who insists that the members would be more interested in drawing their salaries than in the institutions.

Governor McLean of North Carolina admits that there exists no central organization in that state, and that no adequate control is lodged anywhere. He holds that the number of elective officers must be reduced if democracy is to produce efficiency.

In North Dakota, Governor Nestos favors a four-year term for all officials of the state and its subdivisions. His successor, Sorlie, recommends quadrennial sessions of the legislature and wishes to appoint a state efficiency expert with extended powers of investigation.

In Maine, Governor Baxter expresses appreciation of the executive council; and Governor Fuller favors biennial sessions of the Massachusetts legislature. Governor Pothier of Rhode Island desires to give the larger cities increased representation in the senate, and would abolish property qualifications for voting for elective officers in cities. Governor Denny of Delaware favors a constitutional amendment to enlarge the representation of the city of Wilmington in the legislature.

Governor Morgan of West Virginia disapproves of the split session of the legislature, and asserts that the chief results have been inconvenience to the legislators and added burdens to the taxpayers. Governor Terral of Arkansas urges the legislature to limit its employees by law to 35 for each house, and to impose a fine of \$500 upon the president or the speaker for every warrant issued to an employee in excess of that number.

Both Governors Smith of New York and Paulen of Kansas would take an advisory vote of the people on the child labor amendment to the constitution of the United States; and the latter favors this procedure on all future amendments. Governor Smith advocates the initiative for amending the state constitution; and notes that the adoption of the home rule amendment has relieved the pressure on the legislature and lessened the interference of the legislature in purely local affairs. Governor Blaine of Wisconsin advises concurrence by the present legislature in proposed constitutional amendments providing for the initiative, the referendum and the recall and home rule for towns, villages, cities, and counties.

Governor Silzer of New Jersey asks for authority to remove, after charges and a hearing, all members of any state board appointed by him, and also all judges of district courts. Branch suggests that the governor of Indiana be empowered to remove from office any law enforcing official who refuses to do his duty. Baker of Missouri would like authority to remove any county or city officer, after formal complaint has been made of failure to perform his duty. Donahey of Ohio

reports during his first term the removal of two mayors, a director of public service and a chief of police. He would exempt the last office from civil service law protection as against the mayor.

Pothier believes the sheriffs of Rhode Island should be elected by the voters of the counties instead of by the legislature, but also favors the creation of a bureau of investigation manned by trained detectives in the attorney general's department.

Several governors consider the pardon power. Pinchot points out that the board of pardons in Pennsylvania in 1914 granted 59.5 per cent of the pardons applied for; in 1921, 31 per cent; in 1922, 32 per cent; and the average for ten years was 34.4 per cent; while thus far in his administration only 28 per cent of the applications have been granted. Ferguson of Texas forecasts a liberal pardon policy, but asks that applications for pardon be based on physical condition and prison record rather than upon supposed political influence. Sweet asserts that the pardon power requires more of the governor of Colorado's time than any other activity. McLean would amend the constitution of North Carolina to grant the pardoning power to a board instead of to the governor. Bryan of Nebraska considers that the practice of trial judges in Nebraska in giving sentences of from one to twenty years for most offences is unfair to the board of pardons and paroles, as on the expiration of a year, with good behavior, the prisoner, his friends and attorneys besiege the board for clemency. He would also amend the procedural law to allow the judge to discuss the evidence for the jury. On the other hand the retention of the indeterminate sentence law is recommended by Governor Peay of Tennessee; and the enactment of such a law is recommended by Governors McLeod and Blaine of South Carolina and Wisconsin.

State and Local Relations. More attention than formerly is given to the relations between the organs of state government and local authorities, and some phases of administrative control over local officials and activities seem to be steadily gaining in favor.

Further restrictions upon local borrowing powers in Massachusetts are favored by Governor Fuller, who would allow indebtedness beyond the statutory limit only if an initial contribution be made from current income. He believes a classification of municipalities on the basis of assessed valuation and a corresponding classification in the application of the borrowing statutes, would result in a more systematic financing of public improvements and materially lessen the period of loans. Governor Baxter of Maine thinks the local communities should be

forced to bear their own burdens for the care of the poor and the sick, because of the local knowledge of conditions and local self-interest in keeping down expenses. This recommendation is seconded by Governor Brewster in approving the assessment of a fair portion of the expense of caring for defectives upon the communities from which they come. Of course this practice is not unusual. An appeal from the decision of the local authorities in New Jersey to a state board in the matter of expenditures, budget-making, or the issue of bonds, would meet the approval of Governor Silzer. A similar plan to control bond issues in North Dakota, and the requirement of serial bonds, appear wise to Governor Nestos.

Governor Donahey of Ohio would give the people of each taxing district direct and full control over future increases of tax levies, debts, and sources of revenue, and promises to veto any attempt to authorize additional local taxes without the approval of the electorate. In Tennessee, Governor Peay promises to veto any act authorizing a new county or municipal bond issue unless provision is made for a popular vote; and provision for a similar procedure is urged by Governor Hartley of Washington. If Governor Christianson of Minnesota has his way, bond issues by municipal governments, except for refunding purposes, will be voided unless they carry in irrevocable tax levy for an adequate sinking fund.

No contract should be awarded for any new high school building or for the material alteration of an old one in West Virginia, until after the approval of the state board of control, in Governor Morgan's opinion. The laxity of accounting methods in the county governments of North Carolina is attributed by Governor McLean to a system of government unadapted to present needs. He would fix by general law simple standards of administration and accounting.

Governor McCrae of Arkansas would forbid counties, school districts and cities to issue warrants or incur obligations in excess of current income, and make the violation of such prohibition a criminal act. Trapp of Oklahoma thinks that a nonsalaried board of freeholders, popularly elected and equipped with the requisite powers, would check the useless expenditures of money by the present county excise boards now authorized to act as appropriating and spending officials. The compulsory adoption and publication of a budget by county, school district, and city officials prior to the levy of any tax, is recommended by Governor Ross of Wyoming as a means of encouraging economy.

Elections. The direct primary is both criticized and defended.

Governor Branch would make the present Indiana law optional with localities and compulsory for the selection of delegates to state conventions which would nominate state tickets. He would amend the absent voters' law to eliminate frauds. The new governor, Jackson, however, does not believe the demand for repeal comes from the rank and file of the voters. Governor Paulen of Kansas favors a state convention of delegates from county conventions to nominate candidates for state offices with the exception of the governor.

In Maine, Governor Baxter believes that former political leaders who have been deprived of power by the direct primary are making an attack upon it, as a system under which party manipulations have been discarded and the people have come into their own. Governor Brewster of the same state also praises the primary and would require party enrollment to prevent participation in the party primary of its too recent adherents. Governor Richardson of California thinks that the primary has again proved its value in the recent election, and has permitted him to conduct the affairs of the state on a business basis, since under it no pledges to any political machine are necessary for success.

Governor Donahey of Ohio would broaden the primary system to permit voters of no party affiliation, or those unwilling to state publicly their affiliation, to participate in the nominating of candidates; and would enable bona fide groups of voters other than the parties to have watchers at the polls. He believes quadrennial registration sufficiently frequent for cities now having it annually, and favors permanent registration where it is now quadrennial. In Rhode Island, Governor Pothier would provide biennial instead of annual registration, and also a revision of the general caucus laws to compel the use of the secret ballot and to allow sufficient time for voting.

The legislature of Missouri has been authorized by a constitutional amendment to enact a registration law for counties of over 100,000 population and in cities of over 10,000 population. Governor McCrae of Arkansas favors the consolidation of state and congressional elections and a run-off primary for offices where no candidate has received a majority.

Governor Morley of Colorado would prevent the adherents of one party from voting in the primary of another party by means of party enrollment. Hunt of Arizona advises a presidential primary law and a revision of the registration system to lessen the cost. Governor Han-nett of New Mexico says the laws for the registration of voters and for elections are so loosely drawn that they invite fraud; and he favors

personal registration, the office group ballot and the direct primary. In Utah, Governor Dern favors a plan, sponsored by the state bar association, under which judicial candidates will be elected on a separate ballot with the names in alphabetical order without party designation, will be prohibited from making campaign contributions and may hold office during good behavior.

Governor Fuller of Massachusetts believes the corrupt practices act should be revised to prevent large expenditures either by a candidate or in his behalf. Smith of New York would publish before election the statements of candidates' expenditures now required to be filed after election, and would restore the primary for the nomination of candidates for state office. Silzer of New Jersey would abolish the bureau of elections for Hudson and Essex counties, which, he says, have cost the taxpayers uselessly \$525,000 since their establishment in 1918.

A strengthening of the banking law, generally in the form of restrictions upon loans, close supervision, limitations upon the organization of new banks in territory already served, or improved methods of aiding or administering failing banks is proposed in Indiana (Governor Branch), Iowa (both governors), Kansas, Missouri, North and South Dakota, (Governor McMaster), Wyoming, Arizona and New Mexico.

A system for the arbitration of commercial disputes arising out of contracts is recommended by Governor Fuller of Massachusetts, to relieve the congestion of court business and to secure speedier and more satisfactory decisions at less expense.

North Carolina is declared by Governor McLean to be one of only six states, and the only great industrial state, without a workman's compensation law. A minimum wage law for the women of Colorado is urged by Governor Morley. Governor Smith again asks the New York legislature for a forty-eight hour week for women in industry and for the creation of a minimum wage board for women and minors with investigatory and recommendatory powers. One of the few governors of northern states to oppose vigorously the child labor amendment was Hartley of Washington, using these words, "The people of our state will never permit its youth being made the victims of a nationalization or federalization policy that no modern government but Russia has ever attempted to exercise, and since the entire proposal is wholly socialistic and wholly opposed to American ideals it should be promptly rejected."

A large amount of space in nearly every message is devoted to the subject of highways. The recommendations are generally so specific

and detailed and so unrelated to governmental principles that but little comment can be indulged in here. Governor Richardson states that nearly half the state highway mileage of California is of local character, commonly called "pork barrel" roads, placed in the system by legislative action or by vote of the people. On the other hand, Governors Denny and Robinson wish the state highway department of Delaware to extend its jurisdiction gradually over all the roads of the state, with provision for building, when practicable, roads of less expensive material than cement and macadam. Governor Groesbeck believes the establishment of a future highway program to be the most urgent of the problems confronting the Michigan legislature.

Ohio will have no constabulary, state police, rural police, or state traffic police if Governor Donahey can prevent it; while Governor Pothier would have a state police, motorized highway patrol, and a bureau of investigation, for Rhode Island. Governor Bingham would increase the police force of Connecticut as the best machinery for law enforcement by state authority. Governor Branch would likewise increase the force of Indiana. But Governor Ferguson would reduce the number of Texas rangers and use them to cooperate with the sheriffs and other local officers and not send them into counties unless there should be a flagrant disregard of duty by the sheriffs.

Governors Dern, Billings and Fuller recommend the consideration of a proposal requiring the drivers of automobiles to furnish security for liability for personal injury or death caused by their vehicles. Under the New York law, explains Governor Smith, a personal record of each driver is being kept by the bureau of motor vehicles. Hundreds of reckless and incompetent drivers have been eliminated from the roads, and suspensions and revocations of licenses are being made daily, and statistics showing how, when, and why, accidents occur are being compiled.

Governor Fuller assigns as the cause for the most constant criticism of the civil service system in Massachusetts, the enforced retention of employees in the service unless guilty of the most serious offences. The reclassification of the positions and salaries of all state employees is considered by Governor Pinchot a most valuable achievement for Pennsylvania. He claims a reduction in the salary rolls of the Harrisburg appointive departments of \$1,750,000, accompanied by an increase in the quantity and quality of work. His administration attempts to replace the old order of push and pull by a new order of cooperation and advancement based on merit. "One well-paid and well-treated

employee with an open road to advancement on merit costs the state far less than two dissatisfied, half-hearted, clock watchers." Governor Sweet of Colorado devoted a page to the subject of state employees and charges the state with failure to apply even the most elementary principles of good personnel management, especially in the matter of standardization of salaries. Noting that some appointees have been serving provisionally for two years, he would compel an examination of state employees under the Colorado civil service law not longer than ninety days after a provisional appointment. In connection with the three elections held in California during the past two years, Governor Richardson insists that not a single dollar of assessment has been levied against any civil service employee,—a fact in striking contrast to the practice of open assessment under the old political methods.

The abuse of the emergency provision in the referendum clause of the constitution by the legislature of Arkansas is denounced by Governor Terral. The defeat of the oleomargarine bill at an Oregon referendum is attributed by Governor Pierce to the circulation of false and misleading propaganda picturing butter at one dollar a pound.

The most serious problem in the education field confronting the states seems to be that of the rural school. Governors Pothier, Baker, Erickson, McLean, Peay, Pinchot and Smith touch upon this subject. Governor Hartley of Washington believes that if higher education is to profit the state and be maintained without burdensome taxation, entrance examinations and educational standards are demanded that will eliminate those unprepared, unable, or unwilling to conform to such standards. Governor Nestos of North Dakota would set aside three hours a week out of the school time to enable parents and the various religious denominations, either singly or in groups, to give religious instruction without public expense.

A considerable portion of Governor Nestos' message is devoted to a description of the status of the several state activities initiated under the previous administration in North Dakota. He believes the state mill and elevator plant as efficient as can be found anywhere, but "in proportion to capacity, the inglorious fact remains, one of the costliest in existence,"—more than double the average amount. He believes the plant should be able to make operating expenses in the years to come, while Governor Sorlie expects to be able to make the mill an asset of incalculable value to the state, and pay cash dividends. The smaller state mill failed to make operating expenses and has been closed. Governor Nestos asserts that for only one of the fifty-three houses

erected by the Home Building Association was a written agreement found as specified by the law. About one hundred farm loans had been made for more than the land was apparently worth, and many to those who were not actual farmers. The great majority had paid no part of the interest or principal, owners had in many cases abandoned the land, and some had even left the state. Millions in interest and principal were delinquent on land contracts under the board of university and school lands,—in December 1922, 400 land contracts were delinquent for five to twelve years. (Not all of this carelessness could be laid at the door of the Non-Partisan League.) Governor Sorlie regards the state bank as “an instrument of great potency in the establishment of the financial independence of the state,” “the greatest forward step of the decade along politico-economic lines.” Governor McMaster announces the completion of the South Dakota cement plant and believes the people wish its operation to be given a fair trial. Governor Gunderson notes that the plant has cost four or five hundred thousand dollars more than the commission assured the 1923 legislature would be the maximum. Governor McMaster asks the legislature to authorize the state sale of gasoline and hints at a similar provision for coal—“giving the governor the power to curb excessive profit.” Governor Bryan makes a similar request, claiming to have saved the people of Nebraska \$10,000,000 in the price of coal and about \$13,500,000 in the price of gasoline.

Some paragraphs of a number of the messages, though not closely related to governmental problems, are of a general interest on account of the point of view or philosophy of government expressed. Governor Richardson attacks the yellow journals of California which, he says, cost the people many millions more than the foot and mouth disease through the effect of their exaggerated stories upon other industries. The problem can be solved by the demand from subscribers and advertisers for truth in the news. In a plea for less government, Governor Moore says, “Discontent breeds revolution and governments are overthrown by revolution. Revolution is fostered by radicalism and debt. Radicalism is fostered by autocracy, encouraged by numerous state and federal bureaus.” Later on he advises the legislature to investigate the operation of the syndicalism law, “with a view of making it more effective.” Governor Robinson of Delaware speaks thus, “Each generation presents its own problems. . . . The horse has been supplanted by the automobile, and it seems as if it will not be long

before the automobile will give way largely to transportation through the air. But our government, as instituted by our forefathers, remains practically the same as it was nearly one hundred and fifty years ago. We will do well to pause and consider thoroughly before we attempt to add to or detract from the constitution which has guarded us so well for so many years."

Some of Governor Baxter's comments, in a message which it is not customary for Maine's retiring executive to give, are of interest. He states that he offered an important place on a board to investigate the tax exemption laws to nine prominent men before one was found to accept it—"my experience has not given me a very high opinion of the public spirit of certain prominent business men of Maine." He attributes this remark to one of the state's most prominent citizens, a bitter opponent, "I wish to God we could find something on him in his private life and then we would be able to control him." He says elsewhere, "The greatest obstacle to sound legislation is 'log-rolling' or trading support on legislative measures." "As governor I have oftentimes found myself hampered by lack of power, by the indifference of the people, and by the want of an awakened and wholesome public sentiment." "It has been a maxim of the legislature that each member is entitled to one law," remarks Governor Brewster of the same state. Branch of Indiana says: "When it comes to making laws, politics should be left at home. While the members of the legislature are nominated by political parties, yet they come here not as Republicans or Democrats but the representatives of all the people."

Governor Donahey interprets the election of a Democratic governor and a Republican legislature as evidence of a desire on the part of the Ohio people for "a rest, so far as political upheavals are concerned." With one exception, he sees no need for departmental changes which "have often been made too frequently in the past fifteen or twenty years, to the confusion and disgust of the public, often solely for political reasons,—pure ripper legislation." In discussing law enforcement, Governor Pierce makes the prophecy that, "should the time ever come when the wild mob surges down the street, as it so often has done since civilization had its beginning more than six thousand years ago, vast wealth will then be of no avail. The plea for mercy will go unheeded unless the average citizen believes that all have secured justice under the operation of the government." Governor Sorlie would like to broadcast from a state station the cheapness of North Dakota lands and the excellence of her opportunities, to the radio fans of the country.

Governor Ferguson invites the special attention of the Texas legislature to the banking department, although "business prudence would not permit an extended discussion of the state banking conditions in this message."

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NOTES ON MUNICIPAL AFFAIRS

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The year and a half which has elapsed since the last notes on municipal affairs, in the August 1923 number of the REVIEW, has been a period of more than usual significance. The principle of municipal home rule has been notably extended. Interesting changes have been made in the form of government of several of our larger cities. The city manager movement has effectively invaded the larger centers of population, and the management of metropolitan areas has come to the front as the chief problem of the statesman.

Municipal Home Rule. Very substantial progress has been made in the direction of home rule. It is to be regretted that the people of Missouri refused to ratify the home-rule amendment which the constitutional convention submitted to the people. St. Louis and Kansas City remain the only cities in that state with the privilege of making their own charters. This check, however, was more than made up by the adoption in November 1923 of an amendment to the New York constitution providing for a measure of home rule for the cities of that state. The 1924 legislature unanimously adopted the Enabling Act necessary to carry the provisions of the amendment into effect. The New York law confers a large degree of local autonomy. It provides that the legislative body of the city may submit to the electors the question: "Shall there be a commission to draft a new city charter?" The legislative body fixes the number of members of the commission and the method of appointment or election of its members. The work of the charter commission must be submitted to the vote of the people. In cities having a "commission" government the "local law" providing for such a charter commission may be initiated by petition. To what extent this process of charter revision will be made use of is doubtful, in view of the fact that the local legislative body is given power to make local laws relating to the "property affairs or government" of the city, including changes in the form of government. Certain of these local

laws, among them those changing the veto power of the mayor, abolishing an elective office, transferring or curtailing the powers of an elective officer, changing a law relating to public utility franchises or the membership or terms of office of a civil service commission, are subject to a mandatory referendum. Other laws are subject to an optional referendum. In general, however, the charter and all other special acts of the legislature relating to cities may be amended by the city council without other formality than a majority vote of all the members elected to the council. The legislature is prohibited by the home-rule amendment from passing special city laws, except measures recommended by an emergency message from the governor and passed by the concurrent action of two-thirds of the members of the legislature. Conversely local city laws cannot supersede the acts of the legislature relating alike to all cities or referring to other subjects than the "property affairs or government" of cities. Certain subjects are specifically removed from the competence of the city legislature such as changes in the laws affecting debt limits or restricting bond issues, relating to education, the auditing or examining of accounts by the state controller, and so forth.

The New York law has apparently come no nearer a self-operating definition of the scope of home-rule powers than any of its predecessors. The phrase, "property, affairs or government" invites judicial interpretation. It is already in the courts, the legislature having in one or two cases defied its most obvious implications.

At the general election of November 1924 the people of Wisconsin and Arkansas adopted home-rule amendments to their constitutions. The Wisconsin amendment provides that "Cities and villages organized pursuant to state law are hereby empowered to determine their local affairs and government, subject only to this constitution and to such enactments of the legislature of state-wide concern as shall with uniformity affect every city or every village. The method of such determination shall be prescribed by the Legislature." This is evidently intended to open the way for home-made city charters. The Arkansas amendment is curiously worded, but goes no further than to prohibit special legislation by the general assembly and to confer upon counties and municipalities a broad general grant of local legislative power. This amendment also assures the use of the initiative and referendum in local affairs.

The City Manager Plan. The City manager plan began its first trial in a really large city on January 1, 1924. The Cleveland Council

selected as Manager, W. R. Hopkins, a lawyer resident in the city from his early youth, who was widely known for his leadership in the construction of the belt-line railway. He was known to be a man of character and standing, a trustee of Western Reserve University, and at the same time a Republican on good terms with the dominant political machine of the city. His salary was fixed at \$25,000 a year, the largest salary yet paid to a city manager. After a complete year of service, Mr. Hopkins stands out as a man of ability and vision. He has been rather surprisingly independent of the party influences which secured his appointment. Considered from the point of view of city manager practise, his administration so far has perhaps tended to make too prominent a figure of the manager. This is an easy error for a man of great activity and powers of popular persuasion to fall into. It is probable that Mr. Hopkins thinks of himself as the successor of Tom Johnson and Newton Baker, rather than as the hired agent of the city council. So far, however, the results have apparently been very satisfactory to the public of Cleveland. One can hope for, even believe in his success, and at the same time pray that lesser city managers may not try to emulate too closely his rôle of leadership. The effect of proportional representation on the government of Cleveland will be discussed in a subsequent paragraph.

Cincinnati has long been regarded as a veritable citadel of "bossism." Nowhere else has the Republican party been better disciplined or longer intrenched in power. It was a surprising revolt on the part of what has all along been deemed a timid and lethargic public when, on November 4, 1924, charter amendments, providing for a council of nine members elected by proportional representation and the city manager plan, were adopted by a vote of 92,091 to 40,365. Such a victory won against the hearty opposition of such a machine argues the existence of some powerful force hitherto unobserved from the outside. An analysis of the situation discloses this force to have been the increasing financial impotence of the city. Cincinnati in common with the other Ohio cities suffers from a rigid tax limitation by law (the so-called "Smith One Per Cent Act," 1911) to one per cent of the assessed valuation. These cities in general, and Cincinnati in particular, have been obliged in recent years to borrow money for the purpose of meeting expenses which should be met out of current revenue. At the same time the people of Cincinnati have uniformly rejected all proposals to increase by popular vote the amount of their levy. The situation has grown progressively worse, each borrowing cutting deeper into the amount of revenue available for general expenditures.

In the course of 1923 Mr. Murray Seasongood, a prominent Cincinnati attorney, launched a very vigorous attack on the city administration. Partly influenced, perhaps, by a desire to forestall Mr. Seasongood, and apparently also by a very real desire to discover some way out of the financial dilemma, the Republican executive and advisory committee of Hamilton County appointed a committee of citizens to investigate and report upon the operation of the city government and its financial status. This committee engaged Dr. L. D. Upson of Detroit, and under his direction a thorough survey was made of every branch of the city and county administration, and of the financial situation of both these political entities.

The survey brought to light no serious graft, but disclosed a considerable amount of laxness and inefficiency. It found two great obstacles to good city government: first, lack of funds; and second, the paralyzing effect of too long continued one-party domination. To meet the latter situation it recommended the election of a small city council at large by the use of proportional representation. The old city council of 31 members, twenty-five elected by wards and six at large, had obviously outlived its usefulness. There was but one Democratic member, and that a very unimpressive and inarticulate one. The great majority of its members were merely automata acting at the direction of the machine. The campaign for the adoption of charter amendments was already under way, and the survey report had the good fortune to come at a psychological moment for its effect on public opinion.

It is a matter of considerable regret that the people at the same time they adopted proportional representation and the city manager plan voted down again a proposition for a special tax levy to take care of the certain deficit in the current fiscal year. There was apparently a wide-spread feeling of unwillingness to trust the present city authorities with more money. If Dr. Upson is right in his conclusions, and there is every reason to believe that he is, no improvement in the governmental machinery of Cincinnati will alone be sufficient to give her good city government. If something is not done to provide for revenue before the city manager plan goes into effect in January, 1926, it will be the manager's first duty to endanger his own popularity by recommending a special tax levy.

On February 24, 1925, the voters of Kansas City, Missouri, adopted a new charter employing the city manager plan by a vote of 37,363 to 8,879. This was the culmination of a long campaign for charter reform

in Kansas City. The present charter was prepared by a charter commission elected on February 26, 1924, pledged in advance to write a city manager charter. In the spring and early summer the commission worked on the draft of the charter, and with the assistance of the Kansas City Public Service Institute a tentative draft was prepared and published. This draft was then subjected to criticism and revision. Credit for the good qualities of the final text of the charter is due in large part to Mr. Walter Matscheck of the Kansas City Public Service Institute who acted as executive secretary of the charter commission. The charter provides for a council of nine members, four members elected one from each of four districts, four members elected at large and a mayor also elected at large. The term of all members of the council including the mayor is four years. The salary of members of the Council is \$2,400 except that the mayor receives \$5,000. The position of the manager does not differ materially from the standard of city manager charters. Except for the city clerk and auditor, who are chosen by the council, he appoints the heads of city departments and is apparently given adequate administrative control over them. The civil service provisions of the charter are ample and well devised. Otherwise the document will be found chiefly remarkable for its length. It consists of 488 sections and covers 166 pages of large format and small type. At a conservative estimate it is ten times as long as the Constitution of the United States.

In December 1924 the people of Fort Worth, Texas, adopted a new charter providing for the city manager plan. The council is to consist of nine members elected at large with four-year overlapping term. The councilmen are allowed \$10 for each meeting attended, not to exceed 52 a year. They are to be nominated by petition of three hundred electors and a single nonpartisan, plurality election decides the choice. The charter provides that the manager is to be chosen "solely upon the basis of his executive and administrative training, experience and ability, and without regard to political considerations. Qualifications being equal, preference shall be given in the selection to a resident citizen of Fort Worth for this position." The administrative control of the manager is confined to six departments, financial, police, fire, engineering, public health and welfare, and water-works. The library and school board are elected by the people, while parks and recreation are administered by boards appointed by the council. The charter provides for the initiative, referendum and recall, and a civil service commission of the traditional sort appointed by the council.

City Manager Brownlow, of Knoxville, Tennessee, gained wide publicity in the autumn of 1924 by refunding to the tax-payers \$280,000 from the surplus in the city treasury. Each tax-payer received a check for 10 per cent of the amount of his last tax bill. Receipts had exceeded budget estimates because of the fact that certain sources of revenue had apparently never been recorded by previous administrations. Mr. Brownlow has been accused of playing politics by making this refund on the eve of the primary election. It might well be retorted that if this is politics, let us have more of it. Certainly it was a novelty in the experience of American tax-payers. Furthermore, the rebate itself, apart from the time of making it, is thoroughly defensible as a means of equalizing the tax burden of the two next fiscal years.

Propositions for the adoption of the city manager plan of government were defeated in the course of 1924 at Montclair, New Jersey, Fresno, California, Savannah, Georgia, and Butte, Montana. The last of these proposals was for a consolidated city and county government. The charter had been prepared by A. R. Hatton and represented much of the best thought of the day with regard to municipal and county organization. It was defeated by about 600 votes. On March 10, 1925, the people of Seattle defeated a city manager charter by a majority of about 4,500 in a total vote of 50,000.

On the whole the city manager movement, if we are to judge by the number of cities adopting it, grew more slowly in 1924 than in any of the three preceding years. The City Manager Magazine for January 1925 gives the following figures:

YEAR ADOPTED	BY CHARTER	BY ORDINANCE	TOTAL
1920	23	12	35
1921	42	7	49
1922	28	10	38
1923	40	9	49
1924	19	16	35

These figures, however, do not tell the whole story. It is much more significant that the city manager form of government has begun to work well in Cleveland and has been adopted in Cincinnati and Kansas City, than that it has been adopted or rejected in a score of smaller places. The city manager form of government is now beginning seriously to interest the large cities of the country. A committee of the Newark, New Jersey, Chamber of Commerce has reported in favor of the manager

plan of government, and a referendum of the membership of the Chamber of Commerce approved the report of the committee by a vote of 958 to 186. Minneapolis will vote this spring on a manager charter. A vigorous campaign for the manager plan is under way in Rochester, N. Y. The next three or four years will be critical of the fate of the manager plan. If it works well in Cleveland, Cincinnati and a few other large cities, it bids fair to become the standard form of American municipal government. If it does not, it will tend to recede as the commission form of government is already receding.

City Managership as a Profession. One of the hopeful signs in connection with the city-manager movement is a genuine development of professional spirit among the managers. The program of the Convention of the City Managers' Association at Montreal in September 1924 was carried through almost altogether by the members of the Association themselves. Previous conventions have depended almost largely upon the importation of speakers not themselves city managers. The convention was the largest yet held, and the general appearance and demeanor of the delegates was superior to that at any previous convention. A new constitution and a code of ethics were adopted. Some criticism might be passed upon the code of ethics as a literary production, but it indicates the existence of a clear understanding of the managerial relationship, as will appear from the following extracts:

"5. Loyalty to his employment recognizes that it is the council, the elected representative of the people, who primarily determine the municipal policies, and are entitled to the credit for their fulfillment.

"6. Although he is a hired employee of the council, he is hired for a purpose—to exercise his own judgment as an executive in accomplishing the policies formulated by the council, and, to attain success in his employment he must decline to submit to dictation in matters for which the responsibility is solely his.

"7. Power justifies responsibility and responsibility demands power, and a city manager who becomes impotent to inspire support should resign.

* * *

"10. A city manager should deal frankly with the council as a unit and not secretly with its individual members, and similarly should foster a spirit of coöperation between all employees of the city's organization."

There is evident also an increased stability in the tenure of city

managers. Taking the length of service as manager as it appears in the year-books of the City Managers' Association for 1920 and 1924, which are sufficiently accurate for this purpose, we get the following results:

YEARS OF SERVICE	1920	1924
1	57	30
1-2	44	70
2-3	33	53
3-4	8	37
4-5	5	30
5-6	3	26
6-7	7	18
7-8	1	5
8-9	1	2
9-10	2	1
10-11	1	4
10-12		1
12-13		1
13-14		1

Ward Versus At-large Elections. Boston has had since 1909 a small council elected at large. At the November election the people of that city voted in effect on three alternatives: (1) the retention of the present system, (2) a council of fifteen, chosen three from each of five boroughs; a proposition which obviously looked to the ultimate introduction of proportional representation; (3) a council of twenty-six, elected one from each ward of the city. The last proposal was adopted by a considerable majority. The result may not be of very great importance to Boston for, as was said years ago, there is "little left to be done with the Boston Council except to put it out of pain." The mayor is for his term of office almost an absolute municipal dictator. The reaction of the people of Boston, however, to fifteen years of at-large election of a small council is worthy of notice. It is the hope of friends of good government that two or three wards will send independent and aggressive representatives who will from the vantage point of the floor of the council serve as tribunes of the people. They can do very little but they can say a great deal.

Earlier in the year Los Angeles voted upon the adoption of a new charter which provided for a council of 11 members elected at large, with an alternative of 15 members elected by districts. A majority of the persons voting upon the question of adopting the alternative voted

in its favor. The affirmative vote for the charter, however, was larger than the affirmative vote for the alternative so that the alternative was declared to be lost. Here again, the probable desire of the people was for ward representation. In Boston and Los Angeles at any rate there is support for the proposition that at-large election of a council in a very large city so attenuates the relation between the representative and his constituents as to produce serious dissatisfaction.

Proportional Representation. The Cincinnati survey recommends proportional representation as the only means of meeting the evils so obviously present in the existing constitution of the council. All but a half-dozen of its thirty-one members were found to be mere nullities. To get men of larger caliber in the council, a smaller body and at-large election seemed necessary. At-large election without proportional representation would have meant the delivery of the whole council to the Republican machine with no chance for an independent or a Democrat. Hence the recommendation of proportional representation. This line of reasoning seems to have appealed to the public of Cincinnati and the plan was adopted.

In the last notes reference was made to the fact that the supreme court of Ohio had sustained the proportional representation feature of the Cleveland charter, but that the case was not yet available. The decision in question was that of *Reutner v. Cleveland*. It is unfortunately not a very strongly reasoned opinion. It rests ultimately on an interpretation of the home-rule clause of the Ohio constitution as being sufficient to sustain regulation of the suffrage by charter provision. It intimates, however, that the fact that a voting system deprives a ballot of its full effect is not necessarily a violation of the constitutional guarantee of the right to vote to all citizens.

The Cleveland city council elected by "P. R." in the fall of 1923 has now been in service a full year and it is possible to frame some estimate of its success. If popular interest is a criterion the new council is far superior to its predecessors. For the four years preceding January 1 1924, the average public attendance at council meetings was fifty. During the past year it has been about five hundred. The presence of such independents as Professor Hatton and Peter Witt has made its sessions interesting as a play. It has done something more, however. It has provided vigorous and constructive criticism of the administration. Without "P. R." the Cleveland council would have been almost as one-sided as that of Cincinnati, unprotestingly following the lead of a

boss. Under "P. R." the council has been a real forum in which the views of the opposition have been clearly and amply expressed. If the people of Cleveland do not know what is going on in their city government it can only be because they do not enjoy reading the spicy accounts of council debates with which the papers have been full.

Sixteen Managers for Los Angeles. The new charter of Los Angeles adopted by voters of that city on May 6, 1924 is in marked contrast to the general tendency of recent years toward the concentration of power and responsibility for the executive conduct of city affairs in the hands of the mayor or manager. In fact it carries diffusion of executive power to an extraordinary degree. Only three officers are elected at large, the mayor, city attorney, and comptroller. Their term of office is four years. The mayor appoints and removes, in both cases subject to the approval of the council, several of the more important city officers such as city treasurer, city clerk, and the boards or commissions which are placed in charge of the principal activities of the city. There are altogether sixteen such boards; each consists of five members appointed for terms of five years, one retiring each year. With the exception of the Board of Public Works they receive no salary except an attendance fee of \$5.00 per meeting. The Board of Public Works appoints the city engineer and each of the other boards appoints a general manager to serve at its pleasure. These general managers have power to appoint, discharge, suspend or transfer employees subject to the general civil service provisions of the charter. A list of these boards indicates the completeness with which they cover the ordinary activities of the city: Building and Safety, City Planning, Civil Service, Fire, Harbor, Health, Humane Treatment of Animals, Library, Municipal Art, Parks, Pensions, Playground and Recreation, Police, Public Utilities and Transportation, Social Service, Water and Power.

It is said that the board of freeholders did not seriously consider the adoption of the city-manager form of government, but what they have done is in effect to create sixteen managerships with no effective agency for correlating their services. The power of a mayor, with a four-year term, over boards appointed as these are is going to be slight indeed. There will be sixteen *imperia* in the *imperio* of Los Angeles. The plan may work, worse schemes have, but it cannot be denied that the board of freeholders have flown in the face of experience.

The Problem of Metropolitan Areas. The problems involved in the fact that the economic and social areas of our great urban centers

are far wider than the boundaries of any one municipality have been receiving increasing attention from students of municipal government. Reference was made in the last Notes on Municipal Affairs to the "Plan of New York and Its Environs." This organization has been actively prosecuting its work and has prepared an impressive number of reports besides carrying on a vigorous educational campaign in New York and the satellite communities which surround it. The Massachusetts metropolitan district commission added to its organization in 1923 a metropolitan planning division under the chairmanship of Mr. Henry Harriman. This division has already done a great deal of excellent work especially in relation to the traffic problems of Greater Boston. The Board of Commerce and the Bureau of Governmental Research in Detroit have done considerable preliminary work in studying the relation of the outlying communities to such problems as water supply, drainage, transportation. A constitutional amendment authorizing the creation of metropolitan districts for certain limited purposes, including those mentioned, has been submitted to the Michigan legislature. At the National Municipal League meeting in Boston, November 1924, a whole day was devoted to the discussion of the problems of metropolitan planning and government.

City and county consolidation has, of course, a direct bearing upon the solution of the metropolitan problem. The defeat of the Butte charter, already noted, is greatly to be regretted. The state of Georgia, however, adopted in 1924 a constitutional amendment authorizing the legislature to consolidate by special act cities of more than 52,900 population with the counties of which they form a part. This is probably not the proper way of getting at the matter of city and county consolidation, but it indicates some realization of the problem. In Florida a proposed constitutional amendment to authorize consolidated city and county government in Duval County was defeated.

City Planning. The most notable recent achievement in the field of city planning other than the progress of the great regional plan for New York City was the adoption by the Massachusetts Legislature of 1924 of a Zoning Act for Boston. This act differs from most of its predecessors in regulating the use of premises as well as buildings. It provides for six "use" districts—single residence, general residence, local business, general business, industrial and unrestricted—and for five "bulk" districts based on heights of 35, 40, 65, 80 and 155 feet, respectively.

The long standing deadlock between the state appointed transit commission (and its predecessors) and the New York city authorities was partially resolved by the 1924 legislature. A new board of transportation to be appointed by the mayor was created, and to it was entrusted the choice of new subway routes, the construction of new lines and their operation, the construction of uncompleted portions of the lines already projected. The transit commission continues to be charged with the general regulation of transportation and the administration of the existing subway contracts. There are already indications that the work of rapid transit extension will now be vigorously pushed.

Chicago voters rejected April 7 (329,228 to 227,554) the transportation ordinance submitted to them by the city council. The ordinance provided for purchase and considerable extension of surface and elevated lines, construction of subways, and acquisition of equipment, to be paid for by securities. These were to be refunded out of the earnings of the system on a service-at-cost basis. An expenditure of \$621,000,000 was contemplated. Control was to be vested in a board, chosen partly by the mayor, partly by the security holders. The question of city operation of the proposed system, submitted separately, was also defeated.

Butlerism in Philadelphia. The most sensational events in recent years in the field of municipal politics have centered about the career of General Smedley D. Butler, as Director of Public Safety in Philadelphia. The mere act of borrowing a Marine officer for such a position was in itself sensational, and the methods employed kept the wires hot for months. The fact that Butler's leave of absence from the Marine Corps has been extended for another year seems to indicate a certain degree of success for his administration. Perhaps blasting powder was necessary to break up the long-time alliance between politics and vice in Philadelphia. At any rate Butler used it and has so far escaped the fate that usually awaits those who defy the traditional methods of party management in cities.

Secretaries of State Leagues of Municipalities. The secretaries of ten state leagues of municipalities met for an interchange of methods and ideas at the University of Kansas on December 12 and 13. Those present were Morris B. Lambie, Minnesota; Morton L. Wallerstein, Virginia; Bates K. Lucas, Michigan; A. D. McLarty, Illinois; Frank G. Bates, Indiana; Frank G. Pierce, Iowa; Don W. Sowers, Colorado; Harry A. Barth, Oklahoma; R. D. Jackson, Texas; and John

G. Stutz, Harvey Walker, James W. Kensett and Chester K. Shore, Kansas. The sessions were devoted principally to round tables. The subjects discussed included: information service for city officials; field service; research; securing good state municipal legislation; organization and activities of the membership; official organ; and municipal library methods. Prof. F. H. Guild contributed a talk on public personnel training. At the close of the session a permanent organization was formed, with Mr. Lambie as president, Mr. Wallerstein, vice-president and Mr. Stutz, executive secretary. The secretariat was established at Lawrence.

FOREIGN GOVERNMENTS AND POLITICS

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Central and Eastern Europe in 1924. A study of the political events of 1924 in Central and Eastern Europe reveals such a variety of topics lending themselves to extensive treatment that for convenience of treatment, the material has been grouped under the four main heads of (1) financial reconstruction, (2) constitutional, legislative, and administrative developments, (3) parties and politics, and (4) foreign relations.

FINANCIAL RECONSTRUCTION

An outstanding factor, involving changes both constitutional and political, has been the process of financial reconstruction in most of the states under consideration. The painful return from an inflated paper currency to the gold standard has occupied the forefront of the political stage in three of the former enemy states, and in many of the minor allied states.

Of the former enemy states Austria was the first to begin her financial recovery under the protocols of Geneva of 1922, negotiated under the auspices of the League of Nations and backed up by laws conferring extraordinary powers on the government, to last until the end of 1924. Despite the economic restraints which the financial program has involved, no modification of these laws occurred in 1924, but their continuance until 1926 will probably be found necessary to complete the reconstruction program. Meanwhile, Austria introduced the new *schilling* in June, replacing the old Austrian *krone*.¹

In Hungary, reconstruction was likewise undertaken by the League of Nations under the terms of the London protocols of January 16, 1924 and those of Geneva of March 14, 1924,² supplemented by the Enabling Act passed by the Hungarian National Assembly on April 17, 1924.³ Though the controls established were similar to those for

¹ *Bulletin Périodique de la Presse Autrichienne*, No. 154, June 28, 1924.

² *League of Nations Official Journal*, Fifth Year, pp. 424-429; 802-807.

³ *Gazette de Prague*, April 24, 1924, p. 2.

Austria, the loans and guarantees involved were different in nature, and more adapted to an agricultural country like Hungary. Thus far, the Hungarian government has not issued any new metallic units to replace the *krone*.

In Germany the international controls set up under the terms of the Dawes report and the London protocols of August 16, 1924⁴ were put into force by various laws of August 30, 1924. These provided for the liquidation of the Rentenbank, the private notebank, and for the organization of the new Gold Bank, while two others, the so-called "Munzgesetz" and the law pledging the industries of the Reich as a guarantee of reparations deliveries, completed the legislative program.⁵

Poland's heroic endeavor at financial reconstruction represents primarily the work of Premier Ladislas Grabski, based upon a program elaborated by Mr. Hilton Young, a financial adviser to the British Treasury,⁶ supplemented by a large private loan from Italy, in return for which the revenues from the tobacco monopoly were pledged.⁷ Under this program Poland stopped her printing presses in February and introduced the gold *zloty* on July 1, 1924.⁸

Rumania, beset by difficulties arising from the necessity of withdrawing Austro-Hungarian *kronen* from circulation in Transylvania and paper rubles in Bessarabia, and supplanting them with *lei*, has managed, by dint of vigorous taxation, to balance her budget for the past three years. In 1924 the consolidating of the Rumanian foreign debt under an Italian consortium facilitated her progress toward financial recovery.⁹

Jugoslavia, with the financial advice of Senator Henri Berenger of France and under the able administration of Finance Minister Stoyadinović, has more than balanced the budget, stabilized the *dinar* with marked success, funded several of her foreign debts and "methodically pursued the sanitation of its finances according to a clearly outlined plan."¹⁰ Cabinet changes have in no wise altered this policy, which is now again in the hands of Stoyadinović.¹¹

⁴ *British Sessional Paper, Misc. No. 17 (1924) Cmd. 2270*, pp. 322-324.

⁵ *Berliner Tageblatt*, August 30, 1924.

⁶ *Bulletin Périodique de la Presse Polonaise*, No. 137, November 1, 1923.

⁷ *Ibid.*, No. 142, April 17, 1924.

⁸ *Central European Observer*, July 12, 1924, p. 1. A detailed account of the financial reforms of Grabski is found in the *Gazette de Prague*, August 13, 1924, p. 3.

⁹ *Gazette de Prague*, July 26, 1924, p. 2.

¹⁰ *Ibid.*, May 21, 1924, p. 2.

¹¹ *The Near East Magazine*, Volume XXVI, p. 496, November 20, 1924.

The financial reforms initiated in 1919 in Czechoslovakia by Dr. Alois Rašín prevented, *ab initio*, any policy of inflation. The continuation of that policy by his successors has made the Czech crown virtually the most stable monetary unit in Europe.¹²

Of the Baltic States, Finland without question has the soundest finances and has for several years had a balanced budget. During 1924 Finland was particularly successful in funding various of its foreign debts.¹³ Esthonia, on the other hand, has been in dire financial straits due to the deliberate machinations of Soviet Russia in attempting to undermine the economic structure of the country by routing transit traffic around Esthonia either by land or sea.¹⁴ The praiseworthy efforts of Finance Minister Strandman to introduce the gold *thaler*, equivalent to the Scandinavian *krone*, in lieu of the *Eestimark*, and to found the Bank of Esthonia as the sole bank of issue, with the assistance of a Swedish loan, have therefore encountered unexpected obstacles, as the diversion of traffic has greatly reduced revenue, and efforts to increase customs duties by 50 per cent have only further alienated commerce.¹⁵ This has hindered the long contemplated customs union with Latvia and Lithuania. Latvia, having introduced the gold *lat* standard in January, 1924, and started the issue of silver *lats* in June, under a financial reconstruction program much akin to that of Esthonia, finds her issues well covered by gold and her budget fairly on the way to normalcy.¹⁶ Lithuania introduced the *litas*, based on a gold backing, in October, 1922, and has managed to keep it at par up to date. Despite many difficulties in this period of transition, the Lithuanian Bank of Issue has operated successfully, and Lithuania will have a balanced budget in 1925.¹⁷

Even Soviet Russia, despite its communist economics, has found it imperative to replace the virtually valueless paper ruble by the gold *chervonetz*. The exclusive issue of this new unit by the State Bank, the withdrawal of minor treasury notes (effected by January 1, 1925), the stopping of the printing presses, and the redemption of the old

¹² Cf. Rašín, Alois, *Les Finances de la Tchécoslovaquie jusqu'à la fin de 1921*.

¹³ Cf. Kalliala, K. J., "Finnish State Finances," *Monthly Bulletin of the Bank of Finland*, June, 1924, pp. 21-28.

¹⁴ *Central European Observer*, May 17, 1924, p. 1.

¹⁵ *Ibid.*, June 7, 28, 1924; *The Economic Review*, Vol. X, pp. 48-9, July 18, 1924.

¹⁶ *Central European Observer*, June 1, 7, 1924; *The Latvian Economist*, Nos. 7-9, (1924) p. 101.

¹⁷ Bulletins of the Lithuanian "Elta" Agency Service, Nos. 53, 55, October, November, 1924.

paper rubles at the rate of 500,000,000,000 to the new *chervonetz*, indicate the essential similarity of financial sanitation measures in "communist" and "capitalist" countries.¹⁸

Due to the intimate relation of financial reconstruction to reparations collections and deliveries, the restoration of the fiscal standards of the former enemy states has taken place, as indicated above, under international auspices and control. Among the lesser allied states financial sanitation has not involved external control, though it has necessitated some measure of assistance in the shape of loans from abroad. The return to the gold basis, the exchange of depreciated currency for the new monetary units, soundly established and covered, the creation of private banks of issue under stringent legal regulations, have demanded special legislative enactments of a constitutional or exceptional character, investing the respective governments with full powers for the whole period of rehabilitation. Such laws were passed in 1924 in Esthonia,¹⁹ Germany, Hungary and Poland, and tended effectively to remove their finances from the maelstrom of parliamentary strife.

Germany's legislation comprises the law of December 8, 1923, giving the Marx cabinet full powers till February 15, 1924, during which time the initial stages of reconstruction were considered by the Dawes commission. The laws putting in force the London protocols date from August 30, 1924. One placing the railroads of the Reich under international control modified Articles 89-90 of the Weimar Constitution in principle, but not textually, and required a two-thirds majority for its passage.²⁰

In Hungary, under the terms of Law No. IV of 1924, the National Assembly was prohibited from considering any bills or projects contrary to the scope and provisions of the statute in question. This law will remain in force "until the Council of the League of Nations will have declared that Hungary's budget has been balanced." The law, according to an official commentary, "is completed by a number of supplementary provisions of an interpretative nature attached to it, as well

¹⁸ For a succinct review of the financial policy of the Soviet government, based on official documents and decrees, cf. Kohn, Stanislas, "Les Finances Publiques et la Reforme Monétaire en Russie," *Gazette de Prague*, May 21, 1924.

¹⁹ The Esthonian law, passed in June, 1924, authorized the dismissal of state employees and the consolidation of administrative departments in the interests of economy. *Central European Observer*, June 1, 28, 1924.

²⁰ *Berliner Tageblatt*, August 30, 1924, and *Bulletin Périodique de la Presse Allemande*, No. 308, September 3, 1924, p. 9.

as by a number of ministerial decrees issued in virtue of the powers accorded to the Government by the law."²¹

Two "full powers" laws have been enacted in Poland, one of January 5, and the other of June 17, 1924. Strictly speaking, the first may not properly be called a "full powers" act, although it was such in substance; but, as doubts as to the constitutionality of a law of plenary powers were entertained, Grabski summoned a council of jurists to determine whether such authority could be delegated to the president without violating the constitution. On the advice of the council, the law was changed to one "On the Reform of the Public Treasury and the Currency." By June, all constitutional meticulousness was brushed aside, and the second law, authorizing extensive administrative reforms in the eastern provinces as well as financial remedies, went far beyond mere "renewal," and was in reality a distinctly new and virtually unlimited grant of authority to last until December 31, 1924.²²

Thus it may be seen that under dire economic pressure, financial reform has necessitated an overlooking of constitutional niceties and demanded an unhampered administrative control.

CONSTITUTIONAL, LEGISLATIVE AND ADMINISTRATIVE DEVELOPMENTS

Apart from such measures involving the temporary suspension of constitutional controls and necessitated by financial reconstruction, constitutional changes have not taken place. There have been none of the formal textual type. This has been due on the one hand to a lack of sufficient experience under existing constitutions to warrant change—although proposals for amendment, touching mainly local administration or abuses in the electoral system, have not been wanting in Czechoslovakia,²³ Germany,²⁴ Jugoslavia,²⁵ Poland²⁶ and Rumania²⁷—and on

²¹ *Memorandum* from the Hungarian Legation, November 24, 1924, pp. 2-3.

²² *Bulletin Périodique de la Presse Polonaise*, No. 140, February 8, 1924, and No. 145, August 9, 1924, p. 10.

²³ For the proposal to limit the application of proportional representation to eliminate parties polling less than 2% of the total national vote cf. *Gazette de Prague*, June 18, 1924, p. 1.

²⁴ On January 8, 1924, the Bavarian Government transmitted to the Reich Government a long memorandum demanding changes which would have involved a return to the Bismarckian federalism of 1871. *Bulletin Périodique de la Presse Allemande*, No. 298, January 19, 1924, p. 6. For a German critique of the Bavarian memorandum cf. Kraus, Herbert, *Germany in Transition*, pp. 212-223.

²⁵ The "revisionist" program of the Jugoslav Democratic Party, proposed by Marinković looks to mere decentralization (*Bulletin Périodique de la Presse*

the other to the fact that the parliaments have been busy with legislation to carry out constitutional provisions or promises. This "constitutional" legislation has embraced statutes relating to the safeguarding of minorities,²⁸ laws on agrarian reform,²⁹ press laws,³⁰ laws and

Yugoslave, No. 49, February 16, 1924, pp. 8-9); more radical is the autonomy program of the Slovene People's Party, sponsored by Abbé Ante Korošec (*Ibid.*, No. 50, April 5, 1924, p. 8). On the advent of the Davidović cabinet in August, 1924, Petrović, the Minister of the Interior, indicated that proposals looking to the realization of the revisionist program would be undertaken. The overthrow of Davidović prevented the carrying out of this project. *Gazette de Prague*, August 13, 1924, p. 1.

²⁶ The "Piast" party, led by former premier Vincent Witos, demands a return to *scrutin d'arrondissement*, without much consideration for the representation of national minorities required by treaty. The reduction of the size of the Sejm, which now has 444 members, and the strengthening of presidential authority are also favored. *Central European Observer*, January 26, 1924; *Bulletin Périodique de la Presse Polonaise*, No. 140, February 8, 1924. An "Inquiry on the Constitution of March 17, 1921," published by a group of experts, also favors the strengthening of presidential authority over both the Senate and the Sejm. *Ibid.*, No. 142, April 17, 1924.

²⁷ The program of the newly created National Peasant Party in Rumania pledges it to "propagate the principles of a decentralization of administration and local autonomy within the framework of the political unity of the State as a whole." *Central European Observer*, June 21, 1924, p. 1. As the present Rumanian parliament is acting as a constituent assembly, any legislation along these lines must be earmarked as constitutional in character. *The Near East*, Vol. XXVI, p. 501. November 13, 1924.

²⁸ Czechoslovakia had been occupied with the drafting of a constitution for Sub-Carpathian Ruthenia, along with minor administrative reforms and the enforcement of a far-reaching educational program. *Central European Observer*, July 26, 1924, p. 1. In Hungary legislation for minorities rested until 1924 on various decrees, principally that of June 23, 1923, now amplified by a law of February 28, 1924. *Gazette de Prague*, March 1, 1924, p. 2. In Poland a law of July 9, 1924, guaranteed the equality of minority languages (Ukrainian, White Russian and Lithuanian) with Polish, for purposes of communication, judicial process and education. German minorities were to be cared for by a later law. No provision was made for teaching either Russian or Yiddish. *Gazette de Prague*, July 16, 1924, p. 2. In Rumania a bill for the education of linguistic minorities was laid before parliament at its fall session. *Central European Observer*, November 1, 1924, p. 1.

²⁹ One of the chief promises of the short-lived revolutionary government of Bishop Fan Noli in Albania was to give the lands of the begs to the peasants without much legal formality. *Neues Wiener Tagblatt*, June 11, 1924; *Gazette de Prague*, July 5, 1924, p. 1. In 1924, the Czechoslovak agrarian laws were extended to Ruthenia. *Gazette de Prague*, April 16, 1924, p. 2. An excellent survey of the work of the Czechoslovak land office is given in the *Central European Observer*,

ordinances regarding the reduction of armies,³¹ decrees on amnesty,³² laws on local government³³ and social insurance,³⁴ as well as enactments permitting the consolidation of governmental officers during financial reform. In addition to these may be mentioned the various administrative reforms required for the execution of the foregoing measures

October 18, 1924, p. 2. See also Pavel, Antonin, "Land Reform," in Grüber, Josef, *Czechoslovakia: A Survey of Economic and Social Conditions*, pp. 43-66. In Finland the fundamental agrarian reform law, the Lex Kallio, has been only partly enforced, and the main bill for its execution is still pending. *Memorandum* from the Finnish Legation, December 4, 1924, p. 4. In Hungary a bill to further the enforcement of Law No. XLV of 1921 was passed at the beginning of 1924. The full powers bill, however, pledged the revenues from lands acquired by the State under previous laws to the satisfaction of financial claims, while exempting large landowners from taxation. *Bulletin Périodique de la Presse Hongroise*, No. 78, January 12, 1924; *Central European Observer*, October 18, 25, 1924. Charges that Baron Koranyi, the minister of finance, impeded the progress of land reform were freely made before his resignation. In Poland, as soon as financial reconstruction was well under way, Premier Grabski decided to apply the agrarian reform laws, theretofore dead letters, in the eastern provinces, in an effort to ameliorate the peasantry's condition and alleviate dissatisfaction. *Gazette de Prague*, May 20, September 13, October 25, 1924.

³⁰ Czechoslovakia: Withdrawing slander and defamation suits from juries. *Gazette de Prague*, May 31, 1924, p. 1; Hungary: distinctly reactionary in character, *Central European Observer*, May 24, 1924, p. 1; Yugoslavia: The Davidović ministry, on its advent, promised a more liberal press law, which it was unable to enact, *Bulletin Périodique de la Presse Yougoslave*, No. 53, October 2, 1924, p. 2; Rumania: A press law was laid before parliament at its fall session, *The Near East*, Vol. XXVI, p. 501, November 13, 1924.

³¹ Czechoslovakia: Reducing the army to 90,000 men. *Central European Observer*, June 7, 1924, p. 2; Poland: Reducing the army budget 45%, cutting down the officer personnel by 2000 and the noncommissioned officers by 8000. *Ibid.*, June 28, August 5, 1924. Russia: for statement by Trotsky on reductions made in the Red Army in 1924 cf. *Ibid.*, July 12, 1924.

³² Bulgaria: Amnesty to Communists and Liberals (followers of Radoslavoff), July 17, 1924. *La Bulgarie*, Vol. I., No. 317, p. 3, c. 2, July 17, 1924. Hungary: Karolyist-Communist amnesty decree, May 7, 1924 *Bulletin Périodique de la Presse Hongroise*, No. 82, June 26, 1924, Carlist amnesty decree, July 21, 1924. *Ibid.*, No. 83, August 14, 1924.

³³ Latvia: The law of June 26, 1924, redivided the country into administrative districts. *Current History*, Vol. XX, p. 1041. In Poland a law on reorganization of the eastern voivodships was pending in the Sejm in October. *Gazette de Prague*, October 25, 1924, p. 2.

³⁴ A far-reaching social insurance act was passed in Czechoslovakia. For a full discussion of its import cf. *Gazette de Prague*, September 20, 1924, p. 2, and the *Central European Observer*, September 13 and October 11, 1924.

or to remedy the results of over-centralization, particularly in Jugoslavia³⁵ and Rumania.³⁶

The process of turning over local administration in the various "regions" or "republics" to the native inhabitants was systematically continued by the Soviet Government in 1924.³⁷ This involved the creation of various new units and the dissolution of old ones. To choose among many examples, the Zyrians were regrouped with the Permiaks,³⁸ the boundaries of White Russia were considerably altered,³⁹ the republic of the Gortsi was dissolved,⁴⁰ and the autonomous region of Tchetchnia was created.⁴¹ Bokhara and Turkestan were dismembered⁴² and various Central Asian republics created,⁴³ while last of all, in an endeavor to regain Bessarabia, an adjoining Moldavian Republic was brought into being.⁴⁴ "The life of the Soviet Republics," writes a French critic, "develops by following a frankly national orientation. In the linguistic and political domains a feverish activity is manifest. At the same time a more and more marked sovietization of the national organisms is pursued. This double movement, so different at first sight, is no obstacle to the incessant modifications of territory as between republics."⁴⁵

To cope with this important administrative problem, the Central Executive Committee of the Union of Socialist Soviet Republics created a special section on nationalities, to replace the Commissariat of

³⁵ This involved a general shifting of the *župans* (prefects) and of diplomatic representatives abroad. *Bulletin Périodique de la Presse Yougoslave*, No. 55, October 2, 1924, p. 3.

³⁶ Law on the Reorganization of the magistracies. *Gazette de Prague*, June 25, 1924, p. 2.

³⁷ For the devolution of the administrative services in the Ukraine see *Pravda*, December 2, 1923, June 26, July 12, 1924; for Turkestan, *Izvestia*, January 12, 1924; for Daghestan, *Pravda*, January 16, 1924; among the Tartars, *Bulletin Périodique de la Presse Russe*, No. 134, p. 10; among the Yezidis, *Izvestia*, June 14, 1924; among the Poles, *Pravda*, July 15, 1924; among the Bashkirs, *Izvestia*, November 1, 1924; among the Carelians, *Pravda*, October 8, 15, and 24, 1924; among the Yakuts and in the Arctic regions, *Bulletin Périodique de la Presse Russe*, No. 137, November 22, 1924.

³⁸ *Izvestia*, June 27, 1924.

³⁹ *Pravda*, February 2, 1924.

⁴⁰ *Izvestia*, August 8, 1924.

⁴¹ *Ibid.*, August 5, 1924.

⁴² *Ibid.*, August 26, 1924; *Pravda*, September 24, 1924.

⁴³ *The Near East*, Vol. XXVI, p. 316, September 25, 1924.

⁴⁴ *Izvestia*, October 14, 1924, and *Pravda*, October 18, 1924, which give the constitutions of the Moldavian Republic.

⁴⁵ *Bulletin Périodique de la Presse Russe*, No. 137, November 22, 1924, p. 16.

Nationalities which existed under the older Soviet regime.⁴⁶ In thus reorganizing internal administration by an unflinching acceptance of the principle of nationality, the Soviet Government has done much to disarm counter-revolutionary tendencies. The incompatibility of its doctrines of anti-national proletarian revolution with its practice of capitulation to resurgent minor nationalities is too obvious to require comment.

Outstanding, and different from legislation in other states, have been the important laws passed by the Rumanian parliament to give effect to the policy of placing in the hands of the national government the control of the sub-soil and its products.⁴⁷ In this connection, as well as in regard to agrarian reform, Rumania, beset by a landless peasantry on the one hand and overawed by foreign oil interests on the other, has followed Mexican models in attempting to safeguard her natural resources and her agricultural future.

PARTIES AND POLITICS

Turning from legislative and administrative questions to those of domestic politics, the broad field may be divided for purposes of scientific classification into the three topics of elections, cabinet changes, and party movements, as respectively influenced by issues of local, national, or international interest.

National elections took place in 1924 only in Germany and Finland, though in each presidential elections have been held in 1925.⁴⁸ Albania was the lone country to undergo revolution and counter-revolution. Thus the majority of the parliaments involved did not resort to a popular consultation but kept to the routine ways of constitutional govern-

⁴⁶ A full account of the new Nationalities Section and its work is given in *Izvestia*, October 5, 1924.

⁴⁷ For full discussions of this legislation cf. *Gazette de Prague*, June 25, 28; July 9, 12, 26, 1924.

⁴⁸ The German presidential election was precipitated by the sudden death of President Ebert on February 28, 1925. The polling of March 29, having failed to elect a candidate, the second elections on April 26 resulted in the choice of Marshal Von Hindenberg as the new president. In Finland the electoral colleges, chosen January 15 and 16, 1925, met on February 15 to select a new chief executive. Their choice fell upon Dr. L. K. Relander, governor of the province of Viborg and a prominent leader in the Agrarian party, who assumed office March 1, 1925. *Memoranda* from the Finnish Legation, December 4, 1924 and February 18, 1925.

ment. Yugoslavia was the sole country where a parliamentary campaign was in progress at the end of the year.⁴⁹

The Finnish elections, fought on the issue of amnesty to communists, over which parties were deadlocked in the Riksdag, were held on April 1 and 2, and resulted in the reduction of the Communist party by a third, and a slight gain by the parties on the Right, while revealing a marked tendency of the extreme socialists away from Communism and back to the fold of hardheaded constitutional socialism. "This would seem to indicate," says an official statement, "that the teachings of Bolshevism are losing more and more disciples in Finland."⁵⁰

Germany in 1924 underwent two elections. In those of May⁵¹ the extreme resentment of all classes of the population against the occupation of the Ruhr was balanced against the counsels of moderation from the middle-of-the-road parties, which urged the acceptance of the Dawes Report as the only way out of Germany's economic dilemma, while they stood for the maintenance of the republic as the sole guarantee of liberal constitutional development. Though large gains were made by the extremists, Communist and Monarchist—especially by the adherents of Ludendorff and Hitler—at the expense of the Socialist-Clerical-Democratic-People's Party coalition, the latter still controlled a majority and, under the reconstructed Marx cabinet, secured the acceptance of the Dawes Report after bargainings with the more moderate nationalists.

Once the report had been accepted, the extremists of both Right and Left were destined to reverses. The failure of negotiations for the constitution of the *Bürgerbloc*, projected by Stresemann, led to a second dissolution on October 20, and to the elections of December 7.⁵² These clearly indicated, by the party changes produced, the defeat of both

⁴⁹ The Skupshtina was dissolved on November 8, 1924, new elections being set for February 8, 1925, and legal maximum of 90 days being permitted to elapse between dissolution and election. *The Near East*, Vol. XXVI, p. 527; November, 27, 1924.

⁵⁰ *Monthly Bulletin of the Bank of Finland*, April, 1924, p. 33.

⁵¹ For the official results see *Bulletin Périodique de la Presse Allemande*, No. 304, May 20, 1924, pp. 10-11, which cites various dailies. Cf. also, Shepard, W. J., "The German Elections," in *American Political Science Review*, August, 1924, Vol. 18, p. 531.

⁵² The results of the December elections are shown on page 367.

Right and Left extremism and a new return to the middle of the road. The defeat alike of the Communists and of the "Völkisch," the Ludendorff-Hitlerite combination, which was so severely chastened in Bavaria and other royalist centers, is the best proof of the stability of republican institutions and the permanence of the present fundamental law. The subsequent resignation of Marx on December 11, 1924, due to his refusal to accept monarchists in a reconstructed cabinet, opened the way for the formation of a cabinet of moderates of all opinions, thereby permitting the Nationalists to enter the Luther cabinet. The admission of conservative talent into the German government should prove of value in a period of economic rehabilitation, so long as there is no disposition to tamper with the fundamental principles of the Weimar constitution.

The Albanian revolution, engineered by Bishop Fan Noli and the liberal elements of the country, overthrew the feudal Moslem government of Ahmed Zogu Bey and the landed magnates in June, 1924.⁵³ The new government made an honest effort to disarm the population, introduce long-needed agrarian reforms, undertake extensive public works, and begin a thoroughgoing financial reconstruction of the country with the assistance of the League of Nations. Due to Italy's insistence on the strict neutrality of Yugoslavia under the terms of the Italo-Yugoslav Alliance, the revolution was quickly successful. In December, however, the Moslem emigrés, supported by remnants of the White Army of Baron Wrangel, returned to Albania with the tacit acquiescence, if not the open support of Yugoslavia, and reestablished the reactionary regime of Ahmed Zogu. Needless to say, the counter-revolution frustrated the execution of the liberal program.⁵⁴

Accompanying the foregoing elections and the lone revolution and counter-revolution, cabinet changes took place in Finland, Germany and Albania. In Finland the Kallio Cabinet (Socialist-Progressive-Agrarian) resigned on January 18, 1924 and was succeeded by a ministry of experts headed by Professor A. K. Cajander, which conducted the administration till the meeting of the new Riksdag. On June 1 a Nationalist-Svecoman-Progressive-Agrarian cabinet was formed by Professor L. Ingman, from which the Socialists were excluded. On November 20, following the enactment of a pension bill opposed by the Agrarians, the Agrarian ministers retired, and their places were filled

⁵³ *London Times*, June 7, 1924, p. 11, c. 5; June 14, 1924, p. 10, c. 5. For a valuable account of the background of the revolution cf. Mousset; Albert, "L'Affaire Albanaise vue de Belgrade," *Gazette de Prague*, June 18, 1924, p. 1.

⁵⁴ *New York Times*, December 22, 1924, February 1, 1925.

by men from the other parties in the coalition.⁵⁵ This rendered the existence of the Ingman ministry precarious, as the Socialists and Agrarians control more than half the Riksdag.

In Germany the first Marx cabinet entered office on December 4, 1923, with the support of the Social Democrats, the Democrats, the Center and the People's Party and weathered the period up to the May elections unchanged. In view of the altered composition of the new Reichstag, Marx recast his cabinet, omitting the Social Democrats but relying on their support for various measures. As indicated above, the results of the December elections effectively precluded Marx from continuing in office,⁵⁶ as no ministerial combination could be formed to oppose the Nationalists.

Of the other countries in Central and Eastern Europe, Poland, Hungary, Czechoslovakia, Rumania and Bulgaria weathered the year without any cabinet changes, while peaceful transfers of administration occurred in Austria, Yugoslavia, Lithuania, Latvia and Esthonia.

In Austria the Seipel cabinet, supported by the Christian Socialists and the German Nationalists, resigned during the railway strike early in November. Though requested by President Hainisch to retain office, Seipel again resigned on November 12⁵⁷ after the successful settlement of the strike, and was succeeded by Dr. Rudolph Ramek, with Dr. Alexander Mataja at the Foreign Office. Cumulative discontent within the Christian Socialist party over high national taxation, which conflicts with its federalist program of leaving many financial matters in the hands of the *Länder*, added to the unwise intrusion of the question of religious education which Seipel had raised in acute fashion was a dominant factor in paving the way for the change. No alteration of either financial or foreign policy has ensued.⁵⁸

The year 1924 was marked in Yugoslavia by the two reconstructions⁵⁹ of the Pašić ministry, the entry into power of the Davidović cabinet representing the Revisionist bloc of members of the Croatian Peasant Party, the Yugoslav Democrats, the Slovene People's Party and the Bosnian Moslems, and its unexpected overthrow by the Fabian tactics

⁵⁵ *Monthly Bulletin of the Bank of Finland*, April, 1924, p. 33; June, 1924, p. 29; *Memorandum from the Finnish Legation*, December 4, 1924, pp. 1-2.

⁵⁶ *New York Times*, December 12, 1924, citing *Germania*, December 11, 1924.

⁵⁷ *New York Times*, November 9, 14, 1924.

⁵⁸ *Bulletin Périodique de la Presse Autrichienne*, No. 137, citing the *Arbeiter-Zeitung* of October 20, 22, 1924, and the *Neue Freie Presse* of October 19, 1924.

⁵⁹ March 24 and April 12, 1924.

of Pašić after an existence of less than two months.⁶⁰ Thus the political cycle has swung clear around in Yugoslavia, and the country finished the year with almost the same political combination that was in power at its beginning. Unfortunately, the personal intervention of King Alexander in the last crisis and the return of the Pašić-Pribićević ministry to power⁶¹ augurs ill for any prospect of settlement between Serbs and Croats.⁶²

In Lithuania the cabinet of Ernest Galvanauskas resigned at the end of May after the rejection of a government bill granting further credits for railway construction. It was succeeded in June by that of Antanas Tumenas, with Woldemaras Charnekis, formerly charge d'affaires at Washington, at the foreign office.⁶³ The new government is backed by the Christian Democrats, the Farmers' Union and the Federation of Labor in the Seimas.⁶⁴

In Latvia the Meierovics cabinet, supported by the Agrarians, Democrats and Minimal Socialists, resigned in January, and was succeeded by that of Zamuels, based on the Democratic Center and nonpartisan elements in the Saeima, and relying on the good will of the Democratic bloc, the Social Democrats and national minority groups for legislative support. The Zamuels cabinet lasted until December, when it resigned in order to permit the reconstruction of the existing coalition by the addition of other groups previously neutral or hostile.⁶⁵

A ministerial crisis arose early in the year in Esthonia, the members of the Labor Party in the Paets cabinet—a coalition of Agrarians, Christian Democrats and Laborites—having resigned due to differences with their colleagues over financial policy. In consequence Dr. Friedrich Akel, minister of foreign affairs in the outgoing cabinet, formed a ministry on March 26, with the support of the Democratic bloc, the New Settlers, the Labor Party and the Russian bloc. The Akel cabinet lasted till December with the Agrarians and Communists alone in opposition and the Social Democrats neutral.⁶⁶ Following the Com-

⁶⁰ From July 27 to October 15, 1924. Cf. *Gazette de Prague*, March 26, April 16, August 2, 1924.

⁶¹ This was a coalition of Radicals, Old Serbian Moslems and Dissident Democrats, like the April cabinet. It took office October 20.

⁶² Cf. *Central European Observer*, October 25, 1924, and *The Near East*, Vol. XXVI, pp. 417, 495, October 23, November 13, 1924.

⁶³ *Central European Observer*, June 28, 1924, p. 1.

⁶⁴ *Memorandum 5266* from the Lithuanian Legation, December 12, 1924, p. 1.

⁶⁵ *Memorandum 9529* from the Latvian Consulate, December 10, 1924, p. 1.

⁶⁶ *Central European Observer*, April 5, 1924, p. 2.

munist revolt at Reval on December 1, the Akel cabinet resigned to make way for a new government headed by Jüri Jaakson, a National Democrat. The general feeling was that a government based on a broad coalition comprising a clear majority of the State Assembly could best give expression to the feeling of national unity which swept the country in the wake of the revolt. The Jaakson cabinet brought the Agrarians and Social Democrats into the former coalition.⁶⁷

In Soviet Russia the selection of Rykov as the constitutional successor to Lenin may be regarded as having marked a temporary reversion from the New Economic Policy back toward the unsullied communism of 1917-1920.⁶⁸

Of the changes above recorded, only those in Yugoslavia have betokened important deviations from previously accepted national policies on matters not related to financial reconstruction, on which, as already noted, far-reaching departures from previous policies of inflation have been brought about. In Yugoslavia, the advent to power of the short-lived Davidović cabinet on July 27, 1924 marked a clear break with the Greater Serbian centralization program of Pašić, and a real step, now completely reversed by the latter's return to and perpetuation in power, toward a harmonization of the political aims of Serbs, Croats and Slovenes.

Political oscillations, arising from the aftermath of war, of victory or defeat, of exultation or enervation, from political reorientation and the actual realization of national self-government, have continued to reveal the trend of public opinion in its organized forms. An evaluation of the direction in which such oscillations tended in 1924 may be arrived at by an analysis of the condition of the parties, from Right to Left, in the various countries under observation. For convenience, Monarchist, Clerical, Agrarian, and Communist groups are here considered.

Barring the Russian emigrés,⁶⁹ whose political manoeuvres abroad

⁶⁷ *Memorandum* from the Estonian Legation, December 18, 1924, pp. 1, 9; *New York Times*, December 17, 1924.

⁶⁸ Regarding the efforts of the Commissariat for Internal Trade to renew its former monopoly on private trade, see *Central European Observer*, May 17, 1924. For a statement of the opposition to this move sponsored by Trotsky and Preobrazhenski at the 13th Communist Congress cf. *Central European Observer*, June 7, 1924.

⁶⁹ Typical of Russian emigré activities was the founding at Paris, on December 11, 1924, of the Russian Nationalist Committee backing Grand Duke Nicholas for a restored but "constitutional" monarchy. Cf. *New York Times*, December 12, 1924, p. 23, c. 3. The efforts of "Czar" (Grand Duke) Cyril to summon a Crown Council in Paris are reviewed in the *New York Times* of November 14, 1924, citing the *Possledny Novosti*, Miliukov's Paris paper.

have been without direct influence on the Soviet Government, important monarchist groups exist only in Austria, Hungary, and Germany. In Austria, the *Oesterreichische Staatspartei* and its newly founded compeer, the *Conservative People's Party*, claim appreciable gains, but not sufficient to make them in reality serious factors in national politics.⁷⁰ In Hungary, "monarchist" agitators continue to be divided between the supporters of a "national" and those of a "legitimist" monarchy, the latter, since the Dethronement Act of November 4, 1921, having been reduced to a politically impotent but socially influential minority. The only important monarchist event of the past year has been the formation by Deputy Eckhardt, a son-in-law of Regent Horthy, of a new legitimist group, the *Hungarian Independent National Party*, which, however, has not as yet materially influenced the policy of the Bethlen Government.⁷¹ In Germany militant monarchism of the Ludendorff-Hitler variety is definitely on the wane, as may be instanced by a comparison of the May and December election figures, the ultra-Ludendorffians having been virtually wiped out in the last elections. The net gains of the avowedly monarchist Nationalists in the December elections have in no way imperilled the republican regime, and the participation of the Nationalists in the Luther ministry indicates no abandonment of republican institutions.⁷²

In direct contrast to the activity of monarchists in republican countries may be noted the painful position of republican parties in countries constitutionally monarchical. In Hungary the Defence of the Realm Act has been repeatedly invoked against republican demonstrations, while the republican press and republican deputies are continually dragooned.⁷³ Scarcely more happy has been the lot of the Croatian

⁷⁰ The claims of the *Staatspartei* are reviewed in the *Gazette de Prague* March 1, 1924, p. 1, citing *Oesterreichische Nachrichten* of February 11, 1924. The Conservative People's Party was founded October 25, 1924. Cf. *Gazette de Prague*, October 30, 1924, p. 1.

⁷¹ The Programme of the new party is a mixture of feudalism, clericalism, anti-Semitism, and . . . the party stands for frustrating the execution of the peace treaties." *Central European Observer*, November 1, 1924, p. 1.

⁷² Cf. the statement of Chancellor Luther to the Reichstag on January 19, 1925, that the Constitution of the German Republic was the foundation upon which his government would rest. "Every violent illegal blow at that constitution," he added, "will be met as high treason." Cf. *New York Times*, January 20, 1925, p. 1, c. 3.

⁷³ Cf. the reply of Minister of the Interior Rakovszky to deputy Ruppert on May 3, 1924, that "in virtue of a law of 1920 Hungary was a monarchy and that by Article 31 of the law of 1923 (Defence of the Realm Act) every act contrary to

Peasant Party in Yugoslavia, whose leader, Radić, has been accused of treason for holding republican views.⁷⁴

The rôle played by the Clerical parties in the different countries has not altered sufficiently to differentiate 1924 from the preceding years. Apart from Germany and Austria, where they have been the chief factors in pushing through financial reconstruction plans and aiding in the maintenance of republican institutions, the parties with an ecclesiastical orientation have been primarily assiduous in bringing about the negotiations for concordats⁷⁵ with either the Orthodox or Catholic hierarchy or both. The tendency of clerical parties, particularly in Slovenia, Croatia, Slovakia and the Alpine provinces of Austria and Bavaria, to favor a wide degree of cultural autonomy, amounting almost to separatism, appears to reassert itself from time to time without, however, creating any appreciable complications in national or international life.

Playing a minor rôle in industrialized states, but growing in importance in predominantly agricultural areas, the various agrarian parties have been outstanding factors in the furtherance of land reform,⁷⁶

the idea of royalty and favorable to republican ideas is considered a delict." *Gazette de Prague*, June 7, 1924, p. 2.

⁷⁴ As to Pašić's treatment of and attitude towards Radić, cf. *The Near East*, Vol. 26, p. 450, October 30, 1924. See also note 79 *infra*.

⁷⁵ The subject of concordats does not, properly speaking, come under international relations, and is therefore dealt with as a purely domestic problem. Bavaria signed a concordat with the Vatican on March 29, 1924 *Bulletin Périodique de la Presse Allemande*, No. 305, April 19, 1924, p. 1. Yugoslavia, under article 12 of the Vidovdan Constitution, which makes the negotiation of religious agreements compulsory for the Government, is planning a Catholic concordat. *Gazette de Prague*, October 1, 1924, p. 2. Poland, because of her peculiar religious situation, has planned an Orthodox concordat (*Ibid.*, May 31, 1924, p. 2) and actually negotiated with the Vatican as well (*Ibid.*, October 1, 1924, p. 1) though the latter's conditions have proved hard to meet. Rumania's negotiations, opposed by the Orthodox clergy on the one hand (*Ibid.*, April 12, 1924) and by the Hungarian Roman Catholic prelates on the other (*Central European Observer*, June 14, 1924, p. 1), were finally postponed indefinitely (*Ibid.*, August 23, 1924, p. 1).

⁷⁶ On the work of the Agrarian Party in Czechoslovakia cf. *Bulletin Périodique de la Presse Tchécoslovaque*, No. 10, June 23, 1924, and the *Central European Observer*, October 18, 1924, p. 1. On the status of the Party of Small Landowners in Hungary cf. *Gazette de Prague*, October 30, 1924, p. 2. In Yugoslavia the Zemlyoradnici are a weak third party but work toward similar ends *The Near East*, Vol. 26, p. 527, November 20, 1924. Regarding the Union of Agriculturists in Latvia cf. *Memorandum 9529* from the Latvian Consulate, December 10, 1924. The Agrarians in Bulgaria have been hopelessly disorganized and persecuted since the death of Stamboulisky. *The Near East*, Vol. XXVI, p. 553. November, 27, 1924.

bitter opponents of high protective tariffs on manufactured goods,⁷⁷ but hard workers for the consolidation and reconstruction of their respective countries. Basically it is the agrarian parties in the new states that are the bulwarks of constitutional government.⁷⁸ Only in three regions, Bulgaria,⁷⁹ Croatia,⁸⁰ and Rumania,⁸¹ have the agrarian leaders dallied with communism, and even there the agrarian programs, as at present formulated, are hardly in harmony with the oppressive tactics which Moscow pursues toward the muzik.

The process of legal destruction and dissolution of communist parties continued in 1924. Poland, Finland, Hungary and Esthonia, having survived in each instance a Red Terror, have been unwilling to legitimize the activities of communists and have shown little clemency to those engaged in activities subversive of the state.⁸² In their wake, Bulgaria⁸³ and Rumania⁸⁴ have attempted legal dissolution, but the agents of the Third International in Moscow have not ceased their

⁷⁷ Cf. *Bulletin Périodique de la Presse Tchecoslovaque*, No. 11, September 23, 1924, on the conflict in Czechoslovakia, which is typical.

⁷⁸ Cf. *Ibid.*, No. 10, June 23, 1924, citing *Venkov*, May 17, 1924.

⁷⁹ This is true only of "the more rabid followers of the late Stamboulisky," (*Memorandum from the Bulgarian Legation*, December 6, 1924, p. 2) now largely emigrés in Jugoslavia.

⁸⁰ The visit of the Croatian Peasant Party leader, Radic, to Moscow, and his affiliation with the Agrarian International there (*Gazette de Prague*, June 14, 18, 1924) was by no means acceptable to all the rank and file of his following (*The Near East*, Vol. XXVI, p. 85, July 24, 1924) and elicited a scathing condemnation from Pasic. Cf. *Central European Observer*, August 23, 1924.

⁸¹ The Rumanian Peasant Party seems to have come under Muscovite influence and to have preached the class struggle in much the same way as do the Russian communists. The fusion with the National Party of Transylvania seems to indicate a return to ordinary "constitutional" tactics. Cf. *Gazette de Prague* June 18, 1924, p. 1.

⁸² Esthonia alone seems to have been clement to communism, the government believing it unwise to repress agitation and that free discussion and untrammelled public opinion could best handle the situation *Current History*, Vol. XX, p. 616. The futility of this means of action would appear obvious from the revolts of 1924. Cf. notes 85-88 *infra*.

⁸³ By a decision of the Bulgarian Court of Cassation on April 3, 1924, the Bulgarian Communist Party and all allied organizations were dissolved in virtue of the law relative to the protection of the State. Cf. *Gazette de Prague*, April 9, 1924, p. 2. An authoritative statement of the policy of vigilance pursued by the Zankoff Government is given in the *Memorandum from the Bulgarian Legation*, December 6, 1924, p. 2.

⁸⁴ The Rumanian Socialist and Communist parties were both dissolved in July. Cf. *Gazette de Prague*, August 2, 8, 1924.

activities in fomenting insurrection in Esthonia, border raids on Poland and Rumania, and sundry acts of violence elsewhere, in an effort by militant action to spread the communist gospel in the interests of aggrandized Sovietdom.

In Esthonia an uprising of communists was nipped in the bud on January 21, 1924.⁸⁵ Those implicated were convicted and sentenced to long terms in prison.⁸⁶ The "imported revolution" of December 1, 1924, in the suppression of which Minister Kark lost his life, was unquestionably directed from Russia. It is stated that the *Pravda* had announced the revolt beforehand and had issued an appeal to the Esthonian proletariat in that behalf. The uprising was completely suppressed and the leaders executed.⁸⁷ The electrifying effect of this revolt in uniting the nation against Bolshevism has already been noted.⁸⁸

Red Army raids across the western frontier of Soviet Russia were intermittent throughout the year. Among these the raids on Stolpce,⁸⁹ Vilna,⁹⁰ and other points of territory belonging to or occupied by Poland have been important. The creation of the Moldavian Republic⁹¹ just opposite Bessarabia after a series of raids into that portion of Rumania,⁹² marked a patent endeavor of Russia to settle the Bessarabian question by other methods than those of diplomacy.

In Russia itself, however, communism is on the defensive. The campaign of recruiting begun following the death of Lenin netted

⁸⁵ Cf. the statement of Minister Einbund to *Wada Maa* of Reval, in *Central European Observer*, March 1, 1924, p. 1.

⁸⁶ *New York Times*, November 28, December 2, 1924; *Memorandum* from the Esthonian Legation, December 18, 1924, pp. 6-7.

⁸⁷ *New York Times*, December 2, 4, 9, 1924. "It is believed," states the Esthonian *Memorandum*, "that the hopeless and foolish attempt to seize power was made on instructions from the Communist Internationale whose aim is to overthrow the democratic institutions in other states . . . and so destroy the world confidence in the stability of the new Baltic States which form a bulwark against the westward movement of Bolshevism. Quick liquidation of the uprising and complete peace over the entire country show the stability of the established democratic régime in Esthonia, as well as the determination of the government and Parliament to safeguard democratic institutions and order in the country."

⁸⁸ Cf. p. 350 *ante*.

⁸⁹ *Central European Observer*, August 15, 1924, p. 1.

⁹⁰ *Ibid.*, August 23, 1924.

⁹¹ *Bulletin Périodique de la Presse Russe*, November 22, 1924, p. 2.

⁹² *Central European Observer*, August 30, 1924, p. 2; October 4, 1924, p. 1.

128,000 new adherents for the Communist party, bringing its total membership up to about 600,000 members, whereas in June, 1923, it numbered only 472,000. According to official statistics, however, only a scant majority of the membership was made up of workers,⁹³ and most of the new recruits to the party's standard have known no other regime than that of the Soviets since reaching years of discretion. An interesting light on the composition of the Soviets in 1924 is shed by the following table:⁹⁴

PARTY COMPOSITION	MIR	VOLOST	TOWNS	COUNTY	PROVINCES
Communist.....	7%	48%	58%	87%	89%
Non-Communist.....	93%	52%	42%	13%	11%

These figures indicate that despite the recruiting campaigns communism, once clearly dominant throughout the Soviet structure, is slowly but surely being submerged by the filling up of the lower ranks in the soviet hierarchy with peasant proprietors, while it is conceded, even among the high priests of Sovietdom, that an effort to return completely to a regime of undiluted communism would be suicidal. Thus Djerjinsky was forced to admit before the conference of the Provincial Economic Councils in December that "Soviet legislation and Communist Party instructions often are too hasty and 'conservative' with regard to the elimination of private capital from the sphere of trade and industry." He further intimated that the policy of the government was to be considerably modified, as it had been "bending the stick too far." His recommendation of a reversal of this policy and of the granting of permission to foreign capital to participate "carefully" in industry would appear to mark a return to the New Economic Policy of 1921.⁹⁵

No discussion of the status of political parties would be complete without a mention of various party divisions and fusions which have taken place. The merging of certain minor groups into greater blocs or parties capable of conducting an efficient campaign in parliament or in the country at large has been a principal endeavor in Poland, Rumania and Jugoslavia.

⁹³ In 1924 the party was composed of 55.4% workers, 20.3% peasants, and 21% employers and others. The percentage of peasants shows a decrease of 6% from 1923. Cf. *Central European Observer*, June 28, 1924, p. 1.

⁹⁴ *Ibid.*, "About two-thirds of the members joined after the Bolshevik revolution, or three-fourths, if the Lenin recruits are included."

⁹⁵ *New York Times*, December 5, 1924.

In Poland Premier Grabski's effort to gain the support of Stanislas Thugutt, leader of the Peasant party, led to a partial disintegration of that party, several members seceding from it and joining their fortunes with the *Wyzwolenie* or Liberty party, to which a like group of secessionists from Witos' *Piast* party had adhered. The lines of division were primarily due to the unwillingness of Thugutt and Witos to accept a program of gratuitous distribution of land to the peasantry without compensation to the landlords.⁹⁶ Grabski was finally successful in reconstructing his cabinet to include Thugutt at the end of November.⁹⁷

In Rumania the National Democratic Party joined with the Popular Party to form the National People's Party,⁹⁸ while the National Transylvanian party and the Agrarian party joined forces in June to form the National Peasant party.⁹⁹ As the Socialist and Communist parties have been dissolved, this leaves Rumania with almost a three-party system, the remaining party being the Liberal Party now in power, whose moving spirits have been the Bratianus.

In Jugoslavia, the creation of the Democratic bloc which permitted the entry into power of the Davidović cabinet aligned the Slovene People's Party, the Croatian Peasant Party, the Yugoslav Democratic Party and the Bosnian Moslems against the Old Serbian Radicals and the Dissident Democrats.¹⁰⁰

On the whole, despite the tendency of royalist factions to found new and impotent parties, the tendency would appear to be toward the integration of political parties into fewer, better-disciplined groups, a wholesome tendency which an abandonment of existing schemes of proportional representation—without doing violence to national minorities—might do much to promote.

FOREIGN RELATIONS

The discussion of foreign relations may be best attempted by a classification of questions or problems into those of (1) coöperative, (2) parallel or reciprocal, and (3) conflicting interest, a method of grouping which is used in delimiting the agenda of the Little Entente.¹⁰¹ Among

⁹⁶ *Gazette de Prague*, June 28, 1924, p. 2.

⁹⁷ *San Francisco Chronicle*, November 30, 1924.

⁹⁸ *Gazette de Prague*, May 14, 1924, p. 1.

⁹⁹ *Ibid.*, June 18, 25, 1924.

¹⁰⁰ *The Near East*, Vol XXVI, p. 162, August 14, 1924.

¹⁰¹ Cf. *Central European Observer*, May 17, 1924, p. 1, for an excellent exposition of this theory.

questions of coöperative interest are to be found the major problems of international politics, from matters of humanitarian import like the stamping out of typhus, or the exchange of refugees or prisoners, the relief of famine, or the regulation of international river navigation, to the settlement of the outstanding issues of reparations, disarmament, arbitration and security. The work of various international commissions as well as that of the League of Nations is too well known to need mention here. But attention may be directed to the continued functioning of (1) the Baltic Conferences and (2) the Little Entente, as regional agencies in the area under discussion for the periodic review and solution of questions of common and coöperative interest.

During 1924 Baltic Conferences were held at Warsaw, Kovno and Riga, while one was scheduled to meet toward the end of the year at Helsingfors. The Warsaw Conference (February 16-17, 1924) was attended by representatives of all the Baltic countries except Lithuania, and succeeded in drafting an arbitration project of considerable importance, *ad referendum*.¹⁰² The Kovno Conference (May 19) attended by Russia, Esthonia, Latvia and Lithuania, was primarily a technical conference looking to the improvement of commercial relations and communication. The strained relations between Finland and Russia over the Carelian question kept Finland from attending, while the Polish Lithuanian dispute prevented the attendance of Poland.¹⁰³ The Riga Conference (July 25) was restricted to Latvia and Lithuania, and confined to the endeavor to conclude a customs union. Its success in concluding "a series of agreements of a practical character" to bring these two Baltic states closer together makes it perhaps the most significant conference of the year.¹⁰⁴ The proposed Helsingfors Conference was postponed from August to November on account of the impending negotiation of the Geneva Protocol¹⁰⁵ and was again postponed on account of the refusal of Lithuania to attend.¹⁰⁶

The effectiveness of these gatherings in solving the common questions of security, mutual assistance, arbitration and closer economic union was largely vitiated by the continued and apparently well-founded distrust of Poland by Lithuania, which has precluded any meetings at

¹⁰² *Gazette de Prague*, March 3, 1924, p. 2.

¹⁰³ *Ibid.*, May 17, 1924, p. 2; *Central European Observer*, May 10, 1924, p. 1.

¹⁰⁴ *Gazette de Prague*, July 30, 1924, p. 1; *Memorandum* from the Latvian Consulate, No. 9529, p. 3.

¹⁰⁵ *Central European Observer*, October 25, 1924, p. 1.

¹⁰⁶ *Gazette de Prague*, October 8, 1924, p. 1.

which both Lithuania and Poland might be present. While this condition of affairs exists, which only the liquidation of the dispute over Vilna in the interest of Lithuania can terminate, Baltic Conferences may produce limited, though valuable, results in purely technical matters affecting two, three, or even four states, but never any lasting general agreements of far-reaching importance.

By contrast the meetings of the Little Entente at Belgrade, Bled, Prague and Ljubljana were notably successful. The Belgrade Conference (January 10-12) was primarily intended to secure concerted action of the Little Entente in regard to the reconstruction of Hungary. The consent there accorded the financial reconstruction program was largely the work of the Czechoslovak foreign minister, Dr. Eduard Beneš. The adjusting of the relations between the members of the Little Entente in view of the Franco-Czech alliance and the pending Italo-Yugoslav pact was also involved.¹⁰⁷ The Bled Conference (May 12-13) in turn marked the necessary exchanges of views preliminary to the negotiation of the Italo-Czech treaty of coöperation.¹⁰⁸ The Prague Conference (July 11-12) was devoted to a consideration of the respective interests of Czechoslovakia, Yugoslavia and Rumania in the revision of the reparations settlement as well as in the negotiation of the protocol of arbitration, security and disarmament at Geneva.¹⁰⁹ The Ljubljana Conference (August 27) was held in an endeavor to reach an agreement respecting the attitude of the three states toward the Dawes plan and military control in former enemy states. It was also necessitated by the change in administration in Yugoslavia and the desire of Marinković to meet his Czech and Rumanian colleagues.¹¹⁰

On the whole, then, it may be said that the conferences of the Little Entente have been largely instrumental in facilitating the liquidation of the long-standing Adriatic controversy by the Italo-Yugoslav alliance, in preparing the way for the financial reconstruction of both Hungary and Germany, in laying the foundations for the negotiation of the Geneva Protocol, while making possible at least a partial liquidation of the Bessarabian problem between Russia and Rumania.

¹⁰⁷ *Bulletin Périodique de la Presse Yougoslave*, No. 49, February 16, 1924.

¹⁰⁸ *Gazette de Prague*, May 17, 1924, p. 1.

¹⁰⁹ *Bulletin Périodique de la Presse Tchecoslovaque*, No. 11, September 23, 1924; *Bulletin Périodique de la Presse Yougoslave*, No. 54, August 9, 1924; *Gazette de Prague*, July 16, 1924, pp. 1-2; *The Near East*, Vol. XXVI, p. 85, July 24, 1924.

¹¹⁰ *Central European Observer*, August 23, 1924, p. 1; *Bulletin Périodique de la Presse Yougoslave*, No. 55, October 2, 1924.

Among questions of parallel or reciprocal interest have been those of recognition and the assumption or resumption of diplomatic relations, particularly involving the foreign relations of Albania, Greece and Russia.¹¹¹ The two revolutions in the first, the transformation of Greece into a republic, and the gradual forced coming to terms between the western Allied Powers and Soviet Russia marked the most important diplomatic negotiations of a purely political character. Of no less importance were the varied negotiations for the formulating of consular and commercial treaties,¹¹² which were epidemic throughout Central Europe in 1924 as the economic clauses of the various treaties of peace¹¹³ granting the Allies five-year economic privileges approached their termination. Such negotiations were necessarily accompanied by others for the liquidation of various matters of a nonpolitical nature, primarily relating to matters of a juridical, administrative, procedural or technical character.¹¹⁴ The resulting liquidation conventions have been of paramount importance in clearing up the legal and economic

¹¹¹ For example, Albania and Russia mutually recognized each other (*The Near East*, Vol. XXVI, p. 446, October 30, 1924); Yugoslavia promptly came to terms with the new Greek government on April 30, 1924 (*Bulletin Périodique de la Presse Yougoslave*, No. 52, June 5, 1924) while Austria (February 27, 1924) and Denmark, following in the wake of the Great Powers, recognized the Soviet Government *de jure* *Bulletin Périodique de la Presse Autrichienne*, No. 152, April 3, 1924; *Gazette de Prague*, June 18, 1924, p. 1.

¹¹² Among such may be mentioned those of Austria with England (May 22), Latvia (August 9), and Rumania (July 25); of Czechoslovakia with Italy (7 treaties, March 18), Lithuania and Norway (May 26) and Turkey (October 11) of Finland with Belgium, Denmark, England, Holland and Latvia (July 23); of Germany with England (December 2) and Spain (July 25); of Hungary with Yugoslavia (June 26), Russia (September 13) and the United States (November 12); of Yugoslavia with Italy (July 14); of Latvia with Holland (July 2) and Norway (August 14); of Poland with Denmark, Esthonia, Japan, Latvia, Russia, Sweden and the United States, as well as Russia's treaties with China, England and Italy. Of course many more treaties were under negotiation, but the foregoing, as accomplished facts, are indicative of the trend of diplomatic activity in 1924.

¹¹³ Cf. Article 280 of the Treaty of Versailles, Article 232 of the Treaty of Saint Germain, Article 160 of the Treaty of Neuilly, and Article 215 of the Treaty of Trianon.

¹¹⁴ Among such were those of Austria with Italy, resulting in six liquidation treaties of July 25, and with Rumania (16 treaties of the same date). Finland signed five liquidation treaties with Russia on June 18, winding up the legal consequences of the Treaty of Dorpat, while Hungary signed various treaties with Yugoslavia, and twelve liquidation conventions with Rumania on April 18, to clarify the situation left by the Treaty of Trianon.

debris of the World War, and confirming the territorial and political settlements previously reached.

Added to these have been questions relating to mutual limited territorial guaranties and military and political alliances, within the limits permitted by the Covenant of the League of Nations. Their solution was marked in 1924 by the Italo-Yugoslav¹¹⁵ and Italo-Czech¹¹⁶ alliances, the Franco-Czech alliance,¹¹⁷ the Rumano-Yugoslav military convention¹¹⁸ the pending Franco-Yugoslav treaty, and the negotiations still in progress, as, for example, between Italy and Rumania, at the end of the year.

Finally may be enumerated the questions of conflicting interest, usually final territorial settlements, such as those relating to Memel,¹¹⁹ Javorina and Spis,¹²⁰ the Banat¹²¹ and Fiume,¹²² arrived at directly or through the mediation of outside agencies, and the arbitration of various disputed legal or political questions.

The index to felicitous international relations lies in the increase of coöperative and parallel policies and in the reduction of conflicting ones, while providing agencies for the peaceful liquidation of controversial matters by either judicial or conciliatory processes. With the possible exception of Russia, such tendencies are believed to be in process of becoming general in the foreign relations of the nations under review.

In conclusion, it is believed that by comparison with 1923 the internal and external political situation of the states of Central and Eastern Europe appears appreciably improved, due to the return to sound financial standards, the implementing of democratic constitutions, the consolidation of political parties, the liquidation of international difficulties and the increase of international coöperative effort. Many problems remain for the future, yet in general the record for 1924 is one of achievement.

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¹¹⁵ Signed January 29, 1924. Cf. *Bulletin Périodique de la Presse Yougoslave*, No. 50, April 15, 1924.

¹¹⁶ Signed July 5, 1924. Cf. *Central European Observer*, July 12, 1924.

¹¹⁷ Signed January 9, 1924. Cf. *L'Europe Nouvelle*, Vol. VII, p. 154.

¹¹⁸ Signed October 9, 1924. Cf. *Gazette de Prague*, October 11, 1924, p. 1.

¹¹⁹ Signed May 8, 1924. Cf. *Elta Bulletin* No. 50, pp. 1-4 for the text of the convention.

¹²⁰ Signed May 7, 1924. Cf. *Gazette de Prague*, May 10, 1924, p. 2.

¹²¹ In execution of an accord of November 24, 1923. Cf. *Gazette de Prague*, April 16, 1924, p. 2.

¹²² Cf. note 114 *supra*.

The Reichstag Elections. Although two general elections were held in Germany during 1924, the political situation remained confused. The election of May¹ resulted in gains for both the extreme right and the extreme left; the one of December registered a reaction against both extremes. However, neither of these contests was sufficiently conclusive to indicate clearly the direction in which the currents of public opinion were moving. The result has been a remarkable series of cabinet crises, the latest of which it took more than a month to settle.

But in spite of the political confusion growing out of the indecisive election contests, Germany found herself in a much more hopeful condition at the end of 1924 than at any previous time since the war. The Herriot government in France had shown a disposition to come to an agreement with Germany. At the London Conference Germany received assurance that the Ruhr would be evacuated and that foreign capital would be made available for the restoration of her industries, and her representatives, in turn, accepted the Dawes plan for the settlement of the reparations problem. The legislation necessary for the carrying out of the plan was later adopted by the aid of the Nationalist party, which before the May election had vigorously condemned it as a second Versailles. Marx, Herriot, and MacDonald succeeded in introducing a new spirit of compromise which promised far more in the way of actual results than the Poincaré method of threats and ultimatums. Thus it was the consensus of opinion that 1924 brought appreciably nearer the settlement of European war issues.

For more than a year previous to the May election, the German government was controlled by the moderate elements, the Democrats, the Centrists, and the People's Party, who could usually depend on the support of the Social Democrats. These three coalition groups, together with their Socialist allies, had a large majority in the Reichstag.² Moreover, since the opposition consisted of the two extremes, the Nationalists and the Communists, the government was stronger than its large majority indicated.

¹ For an account of the May election see W. J. Shepard, "The German Elections," *Am. Pol. Sci. Rev.*, Aug., 1924.

² In the Reichstag before the May election the government parties were represented as follows: Social Democrats, 169; Democrats, 40; Center, 72; People's Party, 65; Bavarian People's Party, 20; The opposition parties had the following representation: Nationalist, 71; Communist, 25. *Berliner Tageblatt*, Dec. 11, 1924.

In the election of May, however, the government parties and their allies, the Socialists, suffered serious reverses.³ They returned, it is true, a majority of the Reichstag members, but their majority was so small that the control of the government was continually in doubt. Ultimately this uncertainty and the division of opinion as to the inclusion of the Nationalists in the coalition led to the dissolution of the Reichstag and the election of December 7.⁴

The most important issue before the last Reichstag was the question of the acceptance of the Dawes report on the settlement of reparations. That issue had been the most prominent one before the electorate in the recent election, since the Marx government had committed itself definitely in favor of the plan, while at least many of the prominent leaders of the Nationalists had vigorously condemned it. One of the laws necessary for the acceptance of the Dawes plan, that concerning the railways, required a constitutional amendment, for the adoption of which the constitution prescribes a two-thirds vote of the Reichstag. Obviously the opposition had it within its power to defeat the measure. The question was whether the Nationalists were willing to take the responsibility for such action.

The actual test came in the Reichstag session of August 29 when the laws and the constitutional amendment necessary for German acceptance of the Dawes report and the London Agreement were scheduled to come to a vote. The session was a dramatic one, for the Nationalists had kept both the Reichstag and the public in the dark relative to their final decision on the question at issue. On the bank bill, which required only a majority vote, the division resulted in 262 votes for and 172 against. The other laws were adopted by similar majorities. On the railway bill there were 441 votes cast—for the bill 314, against it, 127. The government parties, People's, Center, and Democrat, voted in favor of the bill; the Communists and the Extreme Nationalists (*Völkische*) voted against it. The Nationalist party had left its members free to vote as they pleased and some forty of them voted with the coalition and the Socialists, thus insuring the required two-thirds majority necessary to amend the constitution.

³ Frank H. Simonds, "The German Election," *Am. Rev. of Rev.*, June, 1924.

⁴ From May to October the government parties had the following representation: Social Democrats, 99; Democrats, 28; Center, 65; People's Party, 45; Bavarian People's Party, 16. The chief opposition groups were represented as follows: *Völkische* (Extreme Nationalists) 32; Nationalists, 106; Communists, 62. *Berliner Tageblatt*, Dec. 11, 1924.

Included among the Nationalist leaders who voted for the railway bill were Admiral von Tirpitz and Prince Bismarck. The Nationalists were severely criticised for strongly opposing the Dawes report and then helping to secure its adoption. The more moderate members of the party had never been outspoken in opposition to the reparations settlement and doubtless were convinced that it promised sufficient advantage to Germany to merit at least a trial. It is probable also that many Nationalists were influenced by the knowledge that if the necessary votes were not secured there would be another Reichstag election in the near future.⁵

The Reichstag vote in favor of the Dawes plan did not, however, stabilize and confirm in power the cabinet of Dr. Marx. On the contrary, it raised the difficult, and as events proved, insoluble problem of the admission of the Nationalists into the government coalition. The Nationalists were eager to participate in governing the country and Dr. Stresemann, the foreign minister and leader of the People's party, was insistent that they should be allowed to do so. In fact it was rumored that Nationalist votes had come to the support of the government on August 29 only after Stresemann had promised that party a number of cabinet positions at the earliest time possible.⁶ With this view of the People's party, however, the other coalition groups were not in agreement. The Democrats, in particular, were opposed to the foreign minister's policy of a movement to the right. They had been the target of Nationalist criticism and were profoundly alarmed by the openly avowed monarchical theories of the Nationalists. The Center, with its membership drawn from all classes of people from extreme monarchists to radical socialists, was divided on Stresemann's plan but did not seriously oppose it. The Socialist allies of the govern-

⁵ For an account of the Reichstag session of August 29 see an article in the August 30 issue of the *Vossische Zeitung*, reprinted in the *Living Age*, Oct. 11, 1924. The *London Times* in an editorial entitled, "The German Acceptance" commented as follows: The German Government and the German people are to be congratulated warmly on the result. It is a triumph of common sense; but while that triumph was foreseen by well-informed and judicious observers, it was not assured until the last moment. President Ebert and his Cabinet had, indeed, wisely and boldly decided that, whatever the fate of the Bills Germany would sign the Agreement; but had the Bills failed to obtain the necessary majority a Dissolution would have been inevitable, and the whole scheme would have been exposed to the risks of a General Election fought largely upon other issues. *Times Weekly Edition*, Sept. 4, 1924.

⁶ *Times Weekly Edition*, Oct. 23, 1924.

ment were bitterly opposed to the Nationalists, and their opposition added to that of the Democrats would have made the government's position impossible had the plan been carried out.

Confronted by such divisions among his followers Chancellor Marx sought to reconstruct his ministry during September and October. He at first attempted to secure an agreement with the Nationalists and the Socialists with a view to the inclusion of both groups in a reconstructed cabinet. He was willing to have them enter the government provided they would recognize the inviolability of the Weimar Constitution, give their support to the London Agreement and the government's foreign policy, and advocate Germany's entry into the League of Nations.⁷ Although both parties expressed a willingness to accept these terms "in principle," neither wishing to assume responsibility for a new election, the Chancellor found it impossible to bring the two irreconcilable groups together in an understanding that promised the minimum requisite of stability. The Center remained undecided on the issue. On October 14, the party issued a statement that the existing government should remain unchanged, but a few hours later issued another to the effect that the Nationalists should be included if the Democrats would remain in the coalition. The Democrats, however, opposed this suggestion and passed a resolution in favor of the existing arrangement. They urged the ministry to appear before the Reichstag and demand a vote of confidence.⁸ The left wing of the Center was greatly strengthened by the firm stand of the Democrats, who exerted an influence altogether out of proportion to their strength in the Reichstag. Obviously a deadlock had been reached. Stresemann and the People's party would remain in the government only if the Nationalists were admitted.⁹ The Democrats would support the government only if the Nationalists were excluded. After all hope of an amicable arrangement was exhausted, Chancellor Marx,

⁷ *Manchester Guardian Weekly*, Oct. 10, 1924.

⁸ "The German People's party received a rebuff. It did not secure its much desired object, the Bürgerblock. The German people were saved from this catastrophe by the determination of the Democrats." *Berliner Tageblatt*, Oct. 21, 1924.

⁹ Doubtless one of the main reasons for Stresemann's determination to have the Nationalists in the government, now that the acceptance of the Dawes plan had been secured, was his desire, as leader of the great industrialists, to insure a system of taxation for Germany which would shift the financial burdens involved in the Dawes plan to the shoulders of the masses of the people through customs and excises and thus lighten the taxes on incomes and property. See an informing article by Georg Bernhard, editor of the *Vossische Zeitung*, in *New York Times*, Nov. 30, 1924.

on October 20, asked President Ebert for a dissolution of the Reichstag. The President issued the decree and the election was set for December 7.¹⁰

As in the past, there were numerous parties and factions in the field. The Berlin Correspondent of the *London Times* reported that there were fourteen contesting parties in the city of Berlin alone and more than fifty in the whole of Germany. The number of candidates was estimated at 4,638.¹¹ However, just as in the previous election, there were only eight parties which enjoyed considerable support and were seriously considered as factors in the contest. These were, from right to left: Extreme Nationalist (*Völkische*), Nationalist, People's Party, Bavarian People's Party, Center, Democratic, Social Democratic, and Communist. These parties had all but a score of the mandates in the Reichstag before the dissolution and they retained their predominance in the December election.

The Nationalist party issued a proclamation definitely announcing its belief in the restoration of the monarchy. "Our party," said the party program, "remains as it was—monarchist and nationalist. Our aims are German and national. Our glorious colors are black, white, and red. Our will is firmer than ever to create a Germany free from Jewish and French domination, free from Parliamentary cliques and the domination of capitalism—a Germany in which we and our children again proudly wish to do our duty."¹² The Extreme Nationalists, led by Ludendorff, were even more outspoken in their appeals for the overthrow of the republic and the restoration of the old régime.

During the campaign the People's party continued attempting the difficult feat of facing both to the right and the left at the same time. In those regions where the party hoped to gain at the expense of the Nationalists it assumed a decidedly monarchic position, while in others where its chief opponents were the Democrats and Centrists it emphasized the necessity of carrying out loyally the country's agreements with foreign powers. Like the Nationalists, it displayed the old German colors.

Except in such districts as southern Germany and the Rhineland, where religious questions have great political significance, there was no real struggle between the Centrists, the Democrats, and the Socialists. In fact, these three groups fought the campaign as a Republican bloc united in an organization known as the *Schwartz-Rot-*

¹⁰ *Berliner Tageblatt*, Oct. 16-21, 1924.

¹¹ *London Times*, Dec. 5, 1924.

¹² *Manchester Guardian Weekly*, Oct. 24, 1924.

Gold, the colors of the Republic. This organization, formed in the spring of 1924 to combat the activities of the monarchists, enlisted in less than a year more than three million members and was extremely active during the campaign. It is equipped with uniforms and banners, is under semi-military discipline, and is recognized as a powerful force working for the maintenance of republicanism.¹³

The Communists, although they kept up a vigorous and boisterous agitation throughout the campaign, seemed to most observers destined to lose heavily in the election. Economic conditions had improved decidedly since the May election, when the irreconcilables had made serious inroads on the Social Democrats. Moreover, it was believed that the obstreperous procedure of the Communists in the late Reichstag had alienated all but the most violent extremists.

As was generally expected, the election resulted in losses for both the extremes—the Ludendorff Nationalists and the Communists—and corresponding gains for the more moderate elements. It did not, however, seriously affect the preëlection balance between the right and the left. In other words, the electorate again failed to give a definite answer to the main questions submitted to it—monarchy or republic and the loyal fulfilment of the Dawes plan. The Social Democrats gained at the expense of the Communists, and the Nationalists gained at the expense of the party of Ludendorff. The People's Party, the Centrists, and the Democrats all improved their standing to some extent; but the hope of the Republicans that these parties and the Socialists would win increases large enough to enable them to assume unquestioned control of the government was not realized.

The following table¹⁴ shows the party representation in the Reichstag before and after the December election.

PARTY	MAY ELECTION	DECEMBER ELECTION	GAINS	LOSSES
Extreme Nationalist.....	32	14		18
Nationalist (with Land Union).....	106	110	4	
People's Party.....	44	50	6	
Center.....	65	68	3	
Bavarian People's Party.....	16	19	3	
Democrat.....	28	32	4	
Social Democrat.....	100	130	30	
Communist.....	62	45		17
Others.....	19	25	6	

¹³ *London Times*, Dec. 6, 1924; *New York Times*, Nov. 30, 1924.

¹⁴ *Berliner Tageblatt*, Dec. 11, 1924; *Times Weekly Edition*, Dec. 11, 1924; *Manchester Guardian Weekly*, Dec. 12, 1924.

Under the list system of proportional representation used in German elections the size of the Reichstag depends upon the number of votes cast, each party being entitled to one seat for every 60,000 votes it receives. The old Reichstag contained 472 members; the new one, because of the larger popular vote at the December election, contains 493 members. The popular vote for the parties securing mandates was as follows:¹⁵

Extreme Nationalist.....	891,671
Nationalist.....	6,122,255
Land Union.....	498,003
Peoples' Party.....	3,017,132
Bavarian People's Party.....	1,111,786
Center.....	4,061,593
Democrat.....	1,902,646
Social Democrat.....	7,788,250
Communist.....	2,679,429
Others.....	1,253,868

The foregoing figures show that there was a remarkable popular interest in the election. It is estimated that more than 82 per cent of all those eligible to vote actually went to the polls. Even the high standard of the May election was surpassed.

In the new Reichstag are found practically all of the leaders of the old one. This is to be accounted for partly by the election system which places great power in the hands of the party leaders. If a prominent party leader happens to be defeated in his election area, a place can be given him on the national list of the party. The candidates whose names appear on the national party list are elected by the party's remainders from the local electoral areas. General Ludendorff was returned at the head of his greatly shrunken Fascist group. Admiral von Tirpitz, Count Westarp, Herr Hergt, Professor Hoetzsch, and Prince Bismarck were among the Nationalist leaders reelected. The People's Party is again led by Dr. Stresemann, known as the "crisis maker." Marx, Wirth, Fehrenbach, and Stegerwald represent the Center. Among the Democrats are found Herr Erkelenz, Dr. Dernburg, and Count Bernstorff, the former ambassador to the United States. The most prominent Social Democrats returned are Breitscheid, Hilferding, Loebe, Severing, and Müller, the reputed party boss. Ruth Fischer, the noisiest of the Communists, was again elected.

Since it did not materially alter the strength of the various party

¹⁵ *Times Weekly Edition*, Dec. 11, 1924.

groups the election did not make the formation of a strong government easier. Shortly after the results of the election were known, Chancellor Marx attempted to secure an agreement for the inclusion of the Socialists in the government and thus to form a "Great Coalition," to consist of the People's Party, Centrists, Democrats, and Socialists, with a combined vote of 280 in the Reichstag. Such an arrangement would have given the government a safe majority. This plan was, however, rejected by Stresemann, who renewed his efforts to have his friends, the Nationalists, included. Thereupon the Chancellor resigned, stating that he could not assume responsibility for a government composed of Nationalists whom he could not trust to carry out his policies. The President now asked Stresemann to form a cabinet. The Foreign Minister attempted to do so, but met an insuperable obstacle in the Centrists' absolute refusal to coöperate with the Nationalists. Without the Centrists, the Bürgerblock could not be established. As soon as the decision of the Center was made known to him by Dr. Marx, Stresemann told President Ebert that his efforts to form a government had been in vain and asked that some one else be commissioned to undertake the task. Chancellor Marx then renewed his efforts, but they proved fruitless. All imaginable combinations of the several party groups, as well as so-called nonpartisan arrangements, were tried, but to no avail.¹⁶

At length, on January 15, Dr. Hans Luther, former Mayor of Essen and Minister of Finance in the Marx cabinet, was named Chancellor. The cabinet which he established consists of the following members.¹⁷

Dr. Luther.....	Chancellor
Dr. Stresemann (People's Party).....	Foreign Affairs
Herr Schiele (Nationalist).....	Interior
Herr Neuhaus (Nationalist).....	Economics
Herr Schlieben (Nationalist).....	Finance
Count Kanitz (Nationalist).....	Agriculture
Herr Brauns (Center).....	Labor
Herr Frenken (Center).....	Justice
Her Stingl (Bavarian People's).....	Posts and Telegraphs
Herr Gessler (Democrat).....	Defense
Herr Krohne (Non-Partisan).....	Communications

The cabinet of Dr. Luther is made up entirely of members of the bourgeois groups and represents a strong shift to the right. Dr.

¹⁶ The *Berliner Tageblatt*, Dec. 10-Jan. 15, contains full accounts of the party negotiations that preceded the formation of the Luther Cabinet.

¹⁷ *New York Times*, Jan. 20, 1925.

Stresemann's object, the admission of the Nationalists, was thus finally realized. Three of the members of the new government, Stresemann, Brauns, and Gessler, were also in the Marx cabinet. The Chancellor is the first civil service officer to hold that post.

On January 19 Chancellor Luther presented his ministry to the Reichstag for approval. The first sentences of his speech were drowned by the Communist chorus of "Amnesty! Amnesty!" But President Loebe quickly restored order. The new Chancellor, began by praising his predecessor's steadfastness in the face of great difficulties. The government, he said, would take its stand on the republican constitution and would oppose and punish as high treason any attempts to alter it by violent or other illegal methods. It would also carry out loyally all the laws passed for the purpose of making effective the Dawes plan and the London Agreement. The Chancellor concluded with an appeal for unity, the only means by which Germany could achieve complete recovery from the effects of the war.¹⁸

On January 22 the Reichstag gave the government a vote of confidence. The Nationalists, the People's Party, the Economic Union, the Bavarian People's Party, and most of the Centrists voted for the government, while the Social Democrats, the Communists, and a few Centrists, including Ex-Chancellor Wirth, voted against it. The Democrats and the Extreme Nationalists abstained from voting. There were 246 votes in favor of the cabinet and 160 against it. Thirty-nine members did not vote.¹⁹

Thus in spite of the fact that the republican parties of the left secured additional strength in the December election, the government of Germany ultimately formed represented a decided swing toward the right.

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¹⁸ *New York Times*, Jan. 20, 1925.

¹⁹ *Ibid.*, Jan. 23, 1925.

REPORTS OF ROUND TABLE CONFERENCES

AT WASHINGTON, D. C., DECEMBER 29-31, 1924

COMPARATIVE GOVERNMENT

At the three sessions of the round table on Comparative Government, under the chairmanship of Professor Walter J. Shepard, there was a total registration of thirty members and an average attendance of over twenty. The conference opened with the consideration of a number of topics for discussion, the one finally chosen being the causes for the general decline of the legislative branch of government, and the corresponding enhancement of the power of the executive. This problem was considered with reference to the fundamental difference between cabinet and congressional government. Dr. Herman Finer of the London School of Economics explained most illuminatingly the causes for the noticeable relative loss in strength of the English House of Commons. These were shown to be particularly the increasing congestion of business; the incapacity of the House to think out its problems; its lack of ability to control the civil service; and the strength of party ties. The increasing importance of the English civil service was emphasized, and the modification which this branch of the government is effecting in the actual functions of legislation and administration. Comparisons were drawn between the English developments and those in France and the United States.

This general subject was continued during a part of the second session. The remainder of this period was devoted to a discussion of the causes and implications of the Fascisti movement in Italy, to which Professor Henry R. Spencer brought the results of his first-hand observations and of the intensive study which he has been making of this problem.

Professor E. D. Graper, at the third session, made a report on the recent German elections, giving special attention to the operation of the system of proportional representation. The problem of the sources of information for a study of contemporary developments in foreign governments and politics likewise received attention. Professor Spencer gave a survey of Italian newspapers from this point of view, and

Professor F. A. Ogg discussed the development of English and French interest in the study of comparative government.

The question of continuing the round table on Comparative Government at the next meeting of the Association was raised, and a motion was unanimously carried expressing the desire that this be done, and requesting the committee on program to provide for the inclusion of this round table in the program for 1925.

W. J. SHEPARD.

INTERNATIONAL AFFAIRS

The Round Table on International Affairs had an attendance of from twenty-two to twenty-six persons at each session. The director announced that the first session would be devoted to discussion of the topic "Research and Instruction in International Politics and Law."

Mr. Denys P. Myers of the World Peace Foundation opened the discussion by noting the unfortunate influence upon research and instruction of certain antiquated conceptions, such as the seventeenth-century notions of sovereignty, which have long since ceased to be in accord with the facts of international life, and urged that more effective use be made of contemporary materials appraised in the light of modern conceptions.

Professors Martin and Stowell asked how the revaluation of fundamental concepts should be handled in dealing with more or less immature students. Mr. Myers conceded the difficulties, but thought that a healthier emphasis might be achieved by more general use of significant contemporary materials.

Professor Wilson was asked to explain the use of the clipping thesis in his course in Harvard University. The discussion was continued by those who had prepared such theses in Professor Wilson's courses.

Professor Wright thought that a great deal could be accomplished by the use of hypothetical cases, especially by assigning such cases to students for thorough study and the preparation of opinions.

Professor Catlin discussed the sub-topic, "Scope, Organization, and Method of Courses in Politics," dealing particularly with the relation of international politics to other social sciences.

Professor Stowell discussed the sub-topic, "Scope, Organization, and Method of Courses in Law," emphasizing limitations upon the use of the case-method in teaching international law.

At the second session, Professor Martin continued the discussion of courses and methods, pointing out that international law is to some

extent case law and intimately related to private law, but that international politics is a subject of uncertain content and ill-defined relation to other subjects. He reviewed the practice in different institutions in respect to the relation established between courses in international law and international politics, comparing courses in international law which appear to be somewhat standardized in plan and content with courses in politics with respect to which there is the greatest diversity.

Professor Wright doubted whether courses in international law can be said to be standardized, pointing out that international law is by no means a body of fixed rules and that only a small part of it is to be found in the cases.

Professor Wilson explained the use made in his own courses of hypothetical cases. Professor Fite favored the combined case and text-book method. Professor Wilson added that it had been his practice to combine text-book, actual cases, and hypothetical cases. Professor Wright emphasized the value of special hypothetical cases assigned for thorough study and written report.

Professor Catlin asked whether political theory should not be kept distinct from international politics and law. Professor Borchard replied that it is impossible to discuss cases without discussing theory, notably such cases as *Schooner Exchange v. M'Fadden*.

Professor Garner stressed the danger in confining international law too much to the study of cases. National cases present only a national viewpoint. Often they give expression to a theory which is not in accord with international practice. The cases of *Exchange v. M'Fadden* and *Cunard Steamship Co. v. Mellon* afford excellent illustrations. Professor Garner had found the material in Borchard's "Diplomatic Protection of Citizens Abroad" much more valuable than the material to be found in many of the cases.

Professor Fite had found that the principles "stick" if derived from the study of cases. Professor Garner doubted the advantage in cases in which the principle is not in accord with international practice. Professor Borchard said that in law schools, at least, the emphasis must be placed on municipal cases, but that other than case materials should be used.

Professor Chamberlain was impressed with the advantages in the use of cases, in that they bring definite sets of fact before the students, but he agreed that other materials must be used. Professor Borchard felt that there were exceptional advantages in the Socratic method. One of the most serious difficulties was the time limitation.

Professor Fenwick suggested that the case method is inadequate and that we should begin with general principles and proceed from general principles to make concrete applications. Professor Wright doubted the possibility of agreement upon general principles, and in any event thought that sound pedagogics required that general principles be derived inductively from the study of cases and incidents.

Professor Fenwick suggested that it would be of the greatest service to teachers of international law and related subjects if there could be prepared for each of the leading nations a digest of documentary materials, similar to Moore's Digest of International Law, in which the interpretation of international law approved by the state concerned could find adequate expression. Professor Fenwick expressed a wish that the Carnegie Endowment for International Peace might be induced to undertake the collection, translation, and publication of such materials. These suggestions were enthusiastically received.

Professor Fenwick offered the following as the text of a resolution: "That it is the sense of this Round Table group of the American Political Science Association that it would be of the greatest service to teachers of international law and related subjects to have at their disposal for each of the leading nations a body of documentary materials, including judicial decisions and the diplomatic correspondence of foreign offices, representing the interpretation of international law approved by the particular nation and corresponding roughly to a brief edition of Moore's Digest of International Law."

Upon motion of Mr. Myers, seconded by Professor Borchard, it was resolved unanimously that the American Political Science Association be asked to make a recommendation to the Carnegie Endowment for International Peace in accord, in substance, with Professor Fenwick's suggested resolution. The same motion instructed the director to appoint a committee of two to present the matter to the Association at its regular business meeting. The director appointed Professors Fenwick and Wright.

Mr. Myers called attention to the materials to be found in the publications of the International Intermediary Institute.

Professor Stowell thought that courses in international law should be open to undergraduates and should be given earlier in the college courses. He was of the opinion that the materials contemplated in Professor Fenwick's suggestion would be invaluable.

Professor Middlebush asked whether international law, as an undergraduate course, is to be regarded as primarily cultural. Professor Fite

thought that it should be given everywhere as an undergraduate course for its cultural as well as other values.

Mr. Myers asked for suggestions with respect to the constitution and use of the Year Book of the League of Nations. Professor Wright hoped that Mr. Levermore's type of Year Book would be continued as hitherto. There was general discussion of the content and value of such a year book.

Professor Fenwick commented upon the value of the round table discussions for all who had participated and expressed a wish that a conference of teachers of international law and related subjects might be held in connection with the next meeting of the American Society of International Law in Washington.

In the discussions which followed reference was frequently made to the work of the conference held in Washington in 1914 under the auspices of the American Society of International Law and to the parts taken by the American Society of International Law and the Carnegie Endowment for International Peace in arranging for that conference. It developed that there was unanimity of opinion in the round table as to the desirability of having another conference at an early date.

Upon motion of Professor Wilson, seconded by Professor Wright, the round table voted unanimously to instruct the director to communicate to the Secretary of the American Society of International Law and to the Director of the Division of International Law of the Carnegie Endowment for International Peace the following resolution: "That it is the sense of the Round Table on International Affairs of the American Political Science Association that a conference of teachers of international law and related subjects should be held at Washington in connection with the meetings of the American Society of International Law in April, 1925."

At the third session, the director announced that the session would be devoted to discussion of the Geneva Protocol for the Pacific Settlement of International Disputes and called upon Professor Garner to open the discussion.

Professor Garner said that the Protocol seemed to embody a very thorough and carefully worked out scheme. He regarded it as "a safe and sane and reasonably effective scheme" for achieving three very important things, viz., security, the judicial settlement of international disputes, and the reduction of armaments. He doubted whether it would ever be ratified. To date only sixteen states had signed and only one, Czecho-Slovakia, had ratified. Most of the world wishes to obtain

great advantages without assuming the necessary correlative obligations. Nevertheless, the obligations proposed by the Protocol are not so onerous as many have assumed. There is no obligation to use armed force in enforcing covenants. The sanctions proposed are economic and political in nature.

Mr. Myers sketched the history of the events leading up to the adoption of the Protocol, emphasized the essential relation between the reduction of armaments and the pacific settlement of international disputes, and pointed out that one of the most difficult problems was raised by the question as to how we should carry out economic and political sanctions. Mr. Myers gave especial attention to the proposition, embodied in the Protocol, that aggressive war be regarded as an international crime.

Professor Middlebush discussed the proposal, likewise included in the Protocol, to invest the Permanent Court of International Justice with compulsory jurisdiction of certain kinds of disputes. Professor Middlebush indicated the significance of provisions of the League Covenant and of the Statute of the Permanent Court in this connection, and gave especial attention to the reservation clause in the Protocol, intended to make it possible for all states, great or small, to accept compulsory jurisdiction.

Professor Garner said that there was no reason to be disturbed about the reservation clause. He did not regard it as in effect nullifying the acceptance of compulsory jurisdiction. Mr. Myers called attention to the use which France had made of the reservation clause.

Professor Wright discussed "The Protocol and Domestic Questions." He called attention to provisions of the League Covenant dealing with so-called domestic questions, decisions of the Permanent Court of International Justice bearing upon the meaning to be attributed to such provisions, and finally to the provisions incorporated in the Protocol. The possible bearing of the Protocol's provisions upon controversies involving the United States was discussed informally and in some detail by several members of the round table.

EDWIN D. DICKINSON.

University of Michigan.

POLITICAL PARTIES

The round table on Political Parties, led by Professor Raymond C. Moley of Columbia University, began its work by discussing the question of party responsibility. The leader of the round table guided

the discussion into the practical aspects of the problem as well as into its theoretical aspects by propounding queries concerning existing conditions in this country. What body or group of individuals is entitled to speak authoritatively for the whole party,—the national committee, the national convention, the caucus of the House or the Senate conference or both, or some other body? Is a decision of any of these bodies binding on the others and are the state and local party committees in duty bound to follow the lead of the national committee? These and other similar searching questions were raised and discussed,—but not settled!

The absence of party harmony and the tendency away from party regularity led to several suggestions as to why parties were becoming weaker. The ancient differences between the parties were fast disappearing, some thought; while others saw the necessity of a realignment of parties in order that real issues might be raised in elections, and in order that the parties would take opposing sides in regard to these issues. Whether such a realignment of parties is probable and practical was not more than touched upon because of the shortness of the discussion period. Needless to say, there was a lively interchange of opposing opinions on this particular point.

The effect of nonpartisan elections on partisanship was touched upon briefly, and the results of proportional representation upon the party system in cities was discussed in a preliminary way. The first city election in Cleveland under the new charter as well as other proportional representation elections were brought before the round table for consideration. In this connection the question was raised as to where responsibility rests in a city which has a system of proportional representation.

Representatives from the United States Chamber of Commerce explained in some detail how public opinion is mobilized by their organization, and their explanations served to attract many questions relating to the work of legislative agents and the influence of the lobby upon congressional action.

A total of twenty-six persons were in attendance at this round table.

JAMES K. POLLOCK, JR., *Secretary.*

POLITICAL STATISTICS

The round table on Political Statistics, led by Professor A. N. Holcombe of Harvard University, continued the discussion of the meeting held at the Conference on Politics in Chicago in September, on public opinion. Three reports were made at Washington.

Professor Ben A. Arneson of Ohio Wesleyan University gave an account of a study he is supervising on Voting and Nonvoting in Delaware, Ohio. The purpose of this survey was to secure data on all persons eligible to vote in the city so as to discover, if possible, variations between voters and nonvoters as to certain qualifications as well as to compare the percentage of nonvoting according to sex, color, age, occupation, education, and so forth. The survey was suggested by the study made in Chicago by Professor Merriam and others. In the Chicago survey, however, only nonvoters were studied, while in this project data were gathered on all persons eligible to vote. Altogether data on 4393 voters were secured out of a total population of 8756. The data were secured through the personal solicitation of undergraduate students in political science. A group of ten seniors under the constant supervision of the instructor was placed in charge of gathering the data by precincts.

The following data were secured on each voter by personal interview with the voter himself or members of the family: Native-born or naturalized, parentage, native, mixed or foreign, length of residence in the community, sex, age, race, marital condition, occupation, type of neighborhood, ownership of home, education and religious affiliation.

After these data sheets were completed they were separated into voters and nonvoters on the basis of the poll-books of the election of Nov. 4, 1924. The final results for the survey have not been obtained as the compilations are still in progress. At the round table in Washington the figures on two precincts only were available. These showed, for example, that of the 627 voters studied in these precincts 227 or about 36 per cent failed to vote in the November elections. The figures further showed that the percentage of nonvoting was about twice as high among men as among women. Thirty-three per cent of the married persons failed to vote while forty-nine per cent of the unmarried voters absented themselves from the polls. The voters in the twenties showed the highest percentage of nonvoting and those in the sixties the lowest. Fifty per cent of those who were educated only in the elementary schools failed to vote as compared with thirty-nine per cent of those who had attended high school and twenty per cent of those who had attended college.

Professor Erwin F. Meyer of Colorado College gave a report on an investigation which he made during the presidential election of 1924. This study attempted to analyze the methods used by political speakers and newspapers in approaching the individual voter. It especially tried

to secure examples of various types of errors in thinking which were common among voters. It showed also how the voters might be swayed in one direction or the other by means of faulty reasoning. The study was carried on by advanced students. These were first asked to read books such as Robinson's "Mind in the Making," Wolfe's "Conservatism, Radicalism and the Scientific Method," Lippmann's "Public Opinion" and Dewey's, "How We Think," in order to acquaint them with the errors which are made in thinking. The research group then formulated what were termed five errors of social thinking, as follows: 1. Rationalization, 2. Personification, 3. Confusion of Issues, 4. Stereotyping, 5. Oversimplification. With this background the workers proceeded to analyze the speeches made at local political meetings, and also the news stories and articles found in typical newspapers from various parts of the United States, in an attempt to secure evidence as to faulty thinking. Students of diverse political affiliations were set to work on the same problem in order that personal bias might be counteracted and minimized. The following outline was used in order to standardize the method of approach:

1. Definition of Problem,
 - A. Use of any of the Five Errors in the formulation of the definition.
2. Suggestion as to Solution,
 - A. Formation of an Hypothesis or series of Hypotheses,
 - x. Critical examination of suggested hypothesis by Standard of the Five Errors of Social Thinking.
3. Verification of Hypothesis,
 - A. Use of Evidence,
 - x. Type of Evidence.
 - B. Critical examination of use and type of Evidence by the Standard of the Five Errors of Social Thinking.
4. Adoption of Solution,
 - A. State of Solution,
 - x. Critical examination of Statement by the Standard of the Five Errors of Social Thinking.
 - B. Application of Solution to the Problem as Defined,
 - x. Critical examination of the application measured by the standard of the Five Errors of Social Thinking.

The investigation was really two-edged. It tended to show how political speakers made use of emotional appeals and illogical assertions

to secure the allegiance of their auditors to one party or the other. It also showed how difficult it was for the individual student to eliminate the prejudices which he naturally had, thanks to his social background.

The investigation followed Lippmann's approach very closely. An attempt was made to work much in the way that Lippman did in analyzing Hughes' speech of July 16, 1916 (*Public Opinion*, pp. 197-99).

The investigation was valuable in developing a technic for discovering errors in thinking. It was even more valuable as indicating how a class of students may be educated in the practical operation of political campaigns. From the viewpoint of interesting teaching it was a distinct success.

The third report was given by Professor Harry A. Barth of the University of Oklahoma. This outlined a series of rules in regard to questionnairing, including the following:

The questionnaire must be motivated.

The language must be simple.

The questions should be capable of a "yes" or "no" answer.

Each question should cover only one issue.

The questions should refer to specific situations rather than to general policies.

The briefer the questionnaire, the greater the probability of securing replies. The value of the questionnaire should not be sacrificed, however, to the desire for brevity.

There are many ways of keying questionnaires, but keying is inadvisable.

Never ask for what can be obtained in another way.

The questions should be so arranged as to facilitate answering.

A self-addressed stamped envelope should be included.

It is not necessary to place the name and address of the parties addressed on the letterhead.

The ballots should reach the reader just prior to the week-end.

To combine a large number of distinct subjects in a questionnaire will probably lead to a low return.

A thought provoking questionnaire will probably yield fewer returns than one on which opinion is already formed.

Explanations must be clear and definite.

Some difficulty will invariably be experienced where the recipients are requested to distinguish between more than two possible choices.

The follow-up is of first importance.

A questionnaire, properly distributed, will bring any results you may desire.

A questionnaire, properly worded, will bring any results you may desire.

The propaganda value of questionnaires should not be overlooked.

The work of weighting the results must be carefully done.

Present evidence is insufficient to determine who answers questionnaires.

A personal interview should be used wherever feasible.

The questionnaire does not measure the intensity of opinion.

It is impossible to tell from a questionnaire whether the opinions expressed are reasoned or are the result of an ephemeral judgment.

HARRY A. BARTH, *Secretary.*

University of Oklahoma.

PUBLIC ADMINISTRATION

At the sessions of the Round Table on Public Administration there was an attendance of 21 to 22 persons, with a total of 37 at the three sessions. At the opening of the first session Mr. W. F. Willoughby, the chairman, opened the discussion on the general problem of centralization and coordination of governmental functions. Is it desirable that control from above be exercised over the administrative units and if so to what extent, and the means or character of control? The control may be exercised on four lines—general administration, finance, personnel, and material; and there are four agencies concerned with these different lines of control; namely, the executive office, the bureau of the budget, civil service commission, and the central purchasing agency.

Should central control along the several lines be exercised by the chief executive or by the legislature? It was noted that the legislature lacks agencies for supervision and enforcement. The states have never analyzed the problem and have tried to meet it in a very haphazard way. The chairman suggested that reports be made from the various states on the progress made.

Mr. Luther H. Gulick reported on the situation in New York state. The movement for administrative improvement had started in 1915, but no consistent program had been adopted on account of a political deadlock. A state budget commission had been established, consisting of the governor, comptroller and two members of the legislature, with the power to prepare a budget which is used as an organ to control the administration. There is an audit by the state comptroller and some central control by the civil service commission and some by

the engineering and tax departments. Plans for reorganization have been proposed providing for twenty departments. This has passed one session of the legislature.

Mr. Graves spoke of reorganization in Pennsylvania. It has established a system somewhat similar to that in the national government. The governor is the head of the administration. There is a budget bureau, the head of which is also secretary of the commonwealth.

Professor Gaus of the University of Minnesota spoke of the changes in Massachusetts. The subject of reorganization was discussed in the recent constitutional convention, and a provision adopted naming a limit at twenty main departments. The joint committee of the legislature proposed a plan of eighteen departments into which numerous other agencies were loosely placed. A budget bureau is also provided. A recent report has been made by a legislative committee, of which Mr. Stone, of Stone and Webster, was chairman, on the working of the reorganized administration. This recommended a reduction to eight main departments, the heads of which should form a cabinet for the governor. What has been done has constituted a cramming program without vision. The plans come from the legislature rather than from the executive leadership. The supervisor of administration is a staff advisor. The Massachusetts arrangement seems to deprive the governor of responsibility. He is controlled in most of his acts by a council of eight members, elected by districts at the same time as the governor, which must pass on all of his administrative acts except appointing military aides. The majority of the council is always Republican. Where the governor and council disagree on appointments, the incumbent continues in office.

Mr. Edwards, of the Brookings School, spoke on the situation in Minnesota. The position was taken that the governor, being elected as a political official, will allow political considerations to run through all the departments if he has the complete appointing power. A type of city manager organization was recommended for the state. Attention was called to the differences that might cause difficulty in adopting this system. The mayor is a member of the council, whereas the governor is not a member of the legislature, and with the manager plan applied to state government, would there be a small unicameral legislature elected as large? Other speakers called attention to the development of permanent under-secretaries in the different departments of government as somewhat analogous to the development of the manager idea.

Mr. Willoughby called attention to the distinction between institutional and functional services.

On the second day, Mr. Willoughby reviewed the previous day's proceedings briefly and spoke further on institutional and public service functions. In our form of government the legislature is the source of all administrative authority and should act as a check on the administration. The elected state auditor reports to the people rather than to the legislature and his work is often perfunctory. In the United States government the comptroller of the treasury was the real auditor. The new comptroller-general is appointed for fifteen years and is removable only by a joint resolution of congress. His decisions are based mainly on technical legality rather than the administrative advisability of expenditures. The present comptroller is not exercising the full possibilities of his office. The functions of the comptroller-general include both the control over disbursements and the audit of accounts. The settlement of accounts and the payment of claims are executive and administrative acts, while the audit is properly a legislative matter.

Professor Fairlie called attention to the English method, where the comptroller did not exercise direct control over disbursements but made a later audit in connection with the House of Commons committee on public accounts, the chairman of which is regularly a member of the opposition. He believes that disbursements and accounting should be handled through the executive departments, and that the auditing of accounts and examination of financial reports should be made through a committee of Congress with aid of expert accountants, who should be employed by the committee but not ranked as officers of the United States.

The question was raised as to whether the comptroller-general's decision could be overridden by the courts. Reference was made to a Massachusetts act of 1922 which provides for a comptroller and also for an auditor. It was also noted that in Minnesota there is a public examiner who conducts audits mainly of state institutions.

On the third day, the question of central control of material and personnel was considered.

Mr. Merriam of the Bureau of Government Research outlined the general problems involved. He called attention to the Canadian system, where the civil service commission selects the person to be employed and the executive has no choice. Promotion also is a com-

mission matter and in theory the executive has no power. In practice, however, the executive's wishes are usually followed. The system is supported by efficiency ratings.

Under the United States system the executive makes promotions and notifies the commission. Promotions made out of the usual order, however, must be approved by the commission.

The question was raised as to what authority should control questions of classification with reference to salaries and allowances,—the budget bureau or the civil service commission? It was pointed out that there were two separate problems: (1) job analysis, the description of duties and classification, titles and sub-titles, and (2) maximum allowances within the appropriation.

After some discussion it was voted that the Round Table on Public Administration be continued and Mr. Willoughby was elected chairman and Professor Fairlie as secretary for the next year.

DARRELL H. SMITH, *Secretary.*

NEWS AND NOTES

PERSONAL AND MISCELLANEOUS

EDITED BY FREDERIC A. OGG

University of Wisconsin

Uncertainty about the outcome of a proposal for a joint meeting of the American Political Science Association and the New York Academy of Political Science makes it impossible to announce at this time where the next meeting of the Political Science Association will be held. Members will receive a postal card announcement as soon as the Executive Council is in a position to take final action.

Professor Parker T. Moon, of Columbia University, has been transferred from the department of history to the department of public law, as assistant professor of international relations.

Dr. Percy M. Baldwin, who completed his graduate work at the University of California last year, is now professor of history and government in the New Mexico College of Agriculture and Mechanical Arts.

Dr. Charles C. Thach, Jr., associate in history and political science at Johns Hopkins University, has resigned to accept a position as assistant professor of political science in New York University, Washington Square College.

Hon. Robert Luce, member of Congress and author of recent works on legislative organization and procedure, delivered the Godkin lectures at Harvard University in March, on the subject of congressional government.

Dr. C. O. Gardiner, of the University of Cincinnati, is studying in Washington. During his absence his courses in constitutional law are being conducted by Mr. Lawrence Lytle.

Dr. Leo S. Rowe, director general of the Pan American Union, returned to Washington in February from the third Pan-American Scientific Congress at Lima, which he attended as chairman of the delegation of the United States.

Professor Albert Bushnell Hart, on leave of absence from Harvard University during the second half of the year, lectured at the University of Illinois, the University of Wisconsin, and other western institutions during the spring.

Dr. Herman Finer, of the London School of Economics and Political Science, spent the first half of the current academic year at the Brookings Graduate School in Washington and subsequently visited various universities throughout the country.

Mr. Charles Cheney Hyde, who retired from the office of solicitor of the state department on March 4, has been appointed Hamilton Fish professor of international law at Columbia University. Mr. Hyde succeeds Hon. John Bassett Moore, who, after more than thirty years of service in the university, retired last year in order to devote his time to his duties as American member of the Permanent Court of International Justice at the Hague.

Mr. Philip Jessup, formerly of the solicitor's office in the state department, has been appointed lecturer in international law at Columbia.

Professor Herman G. James has resigned from the University of Texas in order to accept the dual position of dean of the college of liberal arts and chairman of the department of political science at the University of Nebraska.

Professor E. M. Borchard, of the Yale University law school, will lecture on American constitutional law at the University of Berlin during the summer term.

Under the auspices of the bureau of municipal affairs of Norwich University, an Institute of Municipal Affairs was held at Montpelier, Vermont, on February 18 and 19. Among topics given special consideration were the manager plan of city government, debt legislation and financing of public improvements, and municipal planning.

The bureau of municipal affairs was established within the department of political science at Norwich in 1921, for the purpose of giving assistance to cities, towns, and villages in the solution of problems peculiar to municipal corporations.

Announcement was made late in February of the establishment of the John Simon Guggenheim Memorial Foundation, the object of which is to provide fellowships for advanced study abroad in all fields of learning. The first awards will be made for the academic year 1926-27, and it is the purpose of the foundation after the first year to maintain annually from forty to fifty fellows abroad. The stipend will be approximately \$2500 a year, and it is expected that the appointees will include younger instructors and professors on sabbatical leave. The foundation is to be managed by a board of trustees, advised by an educational board of which President Frank Aydelotte, of Swarthmore College, is chairman.

The semi-annual meeting of the Academy of Political Science in the City of New York, held on March 9, was devoted to consideration of the general subject "Popular Ownership of Property; Its Newer Forms and Social Consequences." Topics on which numerous addresses were made or papers read were "trades unions and coöperative ownership with reference to employee participation in ownership;" "custom ownership and the small investor;" and "the new proprietorship and its effects."

The twenty-ninth annual meeting of the American Academy of Political and Social Science will be held at Philadelphia on May 15 and 16. The general subject for consideration is American policy and international security. Sessions have been planned on the operation of the Dawes plan, war debts as a menace to international peace, the possibilities of disarmament, foreign investments and international peace, the outlawry of war, and the question whether the feeling of insecurity in Europe can be eliminated without the coöperation of the United States.

The fifth annual Western School for Commercial Executives is to be held under the joint auspices of the California Association of Commercial Secretaries and the department of political science of Stanford University, July 5 to 11, 1925, at Stanford. Prof. E. A. Cottrell is

dean of the school and on the staff are Colvin Brown and William Harper Dean, of the United States Chamber of Commerce, and Charles H. Cheney, city planning expert. Prof. Cottrell has been appointed acting professor for the summer quarter at the University of Washington, and will give courses in administration and state and local government.

Oberlin College has called to the department of political science for next year Dr. Oscar Jaszi, one of the most eminent mid-European scholars in the field of social and political science. Mr. Jaszi, a native of Hungary, was a leader in the educational and political reform movements prior to the war, and was a member of the Karolyi cabinet during the brief interval between the Bolshevik reign of terror and the present reactionary régime. While professor of political and social science in the University of Budapest, he founded and edited the leading political science journal in Hungary, and was also the founder of a society in Hungary somewhat similar in purpose and importance to the Fabian Society in England. He is the author of numerous works on social science and on present and recent European politics. Two years ago he made a tour of America, lecturing in colleges and universities. At Oberlin he will take charge of some of the courses in European politics now given by Professor Geiser and will add a new course on the social theory of the state.

The nineteenth annual meeting of the American Society of International Law was held at Washington, April 23-25. Among addresses given was an illustrated talk on the life and work of Grotius by Professor J. S. Reeves, of the University of Michigan. Other principal items on the program included an address on the codification of international law in America, by Dr. James Brown Scott; discussions of nationality by birth and naturalization, by Messrs. Green H. Hackworth and Richard W. Flournoy, of the Department of State; and papers on the limitations upon the initiation of military action and upon the initiation of war, by Hon. David Jayne Hill, of Washington, and Mr. Thomas R. White, of the Philadelphia bar. The speakers announced for the annual dinner were Hon. Frank B. Kellogg, Secretary of State, and the Right Hon. Sir Esme Howard, British ambassador to the United States.

Among the lecturers invited to the second institute of the Norman Wait Harris Memorial Foundation, which will be held at the Uni-

versity of Chicago from June 30 to July 24, are Count Michimasa Soyeshima, member of the House of Peers of Japan, P. W. Kuo, president of Southeastern University, Shanghai, China, and H. G. W. Woodhead, C.B.R., editor of the Peking and Tien Tsin *Times*. The Institute will devote its attention to the Far East. Social, economic and political conditions in China and Japan, the influence of the occident upon the Far East, British policy in the Far East, and American relations with China and Japan, are among the subjects to be discussed. The University of Chicago is offering a number of courses on subjects relating to the Far East for the benefit of students, and round tables for discussion of particular topics will be organized for the specialists in the field attending the Institute lectures. Correspondence relating to the Institute may be addressed to Professor Quincy Wright, University of Chicago.

In May, 1923, Washington University, St. Louis, announced the establishment of a Graduate School of Economics and Government. A distinctive feature was a Residence Foundation in Washington, D. C., where advanced students could live together and bring their theses to completion. In May, 1924, the school was reorganized; it was definitely located in Washington; a two-year course of study was arranged; and the equivalent of a year of graduate work was made a condition of admission. As the school developed, it became increasingly clear that, because of distance, Washington University could exercise only nominal control; also that the school could better perform its work unhampered by any university connection. Accordingly, the board of directors of Washington University in November, 1924, relinquished all authority over it. In the same month it was incorporated under the laws of the District of Columbia as the Robert Brookings Graduate School of Economics and Government. The staff of the school in 1925-26 will include five men who will give all, or nearly all, of their time to the work; five or more consulting fellows; members of the Institute for Government Research and the Institute of Economics, who will give term courses; and other persons who will give short courses upon particular topics. It is announced that in October, 1925, the school will begin the publication of a journal.

The fifth annual meeting of the National Council for the Social Studies was held at Cincinnati on February 28. The formal part of the program was devoted to a discussion of social science courses in the high

schools, their relation to adult education, and the preparation of high school teachers of social studies. The chief point of interest to the political scientist was the standards for the teaching of the social studies in the high schools recommended at the business meeting: (1) the various branches of the social science should be organized in one department; (2) teachers in this department should have thirty per cent of their college training in the general field of social science and fifteen per cent in the particular branch in which they propose to teach; (3) in the preparation of any teacher of history, government, economics, or sociology, the minimum number of credits should be ten per cent of the total requirements for the bachelor's degree in educational subjects. The Council was opposed to the granting of "blanket" teacher's certificates which permit the holder to teach any high school subject, and favored the group certificate which confines the holder to a related group of subjects, e.g., history, government, economics, and sociology.

A meeting of the executive committee of the Social Science Research Council was held in Chicago on February 14 for the consideration of various projects relating to the scientific aspects of human migration and for other purposes. The Council's committee on fellowships met in Chicago on March 14 for the purpose of considering the applications for the new research fellowships for 1925-6. More than one hundred applications were received, and the awards were made at the annual meeting of the Council on April 4. The constituent members of the Social Science Research Council have been increased by the accession of the American Psychological Society and now include the American Political Science Association, the American Statistical Association, the American Sociological Society, the American Economic Association, and the American Psychological Society.

At its annual meeting in Chicago on April 4, the Social Science Research Council announced the appointment of the following fifteen scholars as research fellows of the Council for the year 1925-26, selected from a total of 108 applicants:

Luther Lee Bernard, Ph.D. Professor of Sociology, University of Minnesota. Problem: A study of the development of the social sciences in Argentina with special reference to the economic, political, and other cultural circumstances under which they were developed. Place of study: Argentina.

Charles Warren Everett, M.A. Instructor in Department of English

and Comparative Literature, Columbia University. Problem: Life of Jeremy Bentham and the editing of his unpublished manuscripts. Place of study: London.

Harold F. Gosnell, Ph.D. Instructor in Political Science, University of Chicago. Problem: Factors determining the extent of popular participation in elections in typical European states. Place of Study: Washington, D. C., England, France, Germany, Belgium.

Marcus Lee Hansen, Ph.D. Assistant Professor of History, Smith College. Problem: A basic study of the origins of the foreign elements in the settlement of the Upper Mississippi Valley. Place of study: Washington, Dublin, London, Geneva, Berlin, Hamburg, Bremen.

Joseph Pratt Harris, Ph.D. Instructor in Political Science, University of Wisconsin. Problem: Workings of election registration systems in the United States. Place of study: Headquarters at Chicago, field work throughout the country.

William Jaffee, Docteur en Droit. Tutor in French and Economics, College of the City of New York. Problem: The Industrial Revolution in France. Place of study: France.

Edgar W. Knight, Ph.D. Professor of Education, University of North Carolina. Problem: A study of the Folk high schools in Scandinavian countries, especially Denmark, Sweden and Finland. Place of study: Europe.

Simon S. Kuznets, M.A. Fellow in Economics, Columbia University. Problem: Secular trends in economic theory, their interrelations and their bearing upon cyclical fluctuations. Place of study: New York City.

Ross S. Malmud, M.A. Graduate student, Columbia University. Problem: The psychology of literary ability. Place of study: Columbia University, New York.

Thomas P. Martin, Ph.D. Associate Professor of American History, University of Texas. Problem: A study of Anglo-American relations as influenced by economic, political and social forces playing within and between the two peoples. Place of study: England.

Hutzel Metzger, M.S. Research Assistant, University of Minnesota. Problem: An analysis of the price of certain farm products, with a view to deriving information that will promote the better adjustment of agricultural production. Place of study: Minnesota.

Ernest E. Mowrer, Ph.D. Assistant Professor of Sociology, Ohio Wesleyan University. Problem: Family disorganization as a socially inherited behavior pattern. Place of study: Chicago.

Mrs. Mildred Dennett Mudgett, Ph.D. Assistant Professor of Sociology, University of Minnesota. Problem: Legislation affecting the pre-school child in certain European countries. Place of study: England, France, Italy, and Scandinavian countries.

Sterling Denhard Spero, Ph.D. Fellow, New School for Social Research. Problem: The position of the negro in industry. Place of study: Headquarters at New York. Field investigations.

Dorothy Swaine Thomas, Ph.D. Research Assistant, Federal Reserve Bank of New York. Problem: The economic factor in crime. Place of study: New York State.

The fellows will travel and study in the following countries: Argentina, England, Belgium, Germany, France, Italy, and Scandinavian countries of Denmark, Sweden, and Finland.

These are the first awards of the Social Science Research Council. Plans have been made to offer research fellowships annually for the following four years.

The following are the officers of the Council: President, Dr. Charles E. Merriam, University of Chicago; Vice-President, Dr. John R. Commons, University of Wisconsin; Secretary, Dr. Horace Secrist, Northwestern University; Treasurer, Dean E. E. Day, University of Michigan. The Council consists of twenty-one delegates elected three from each of the following national scientific societies: The American Economic Association, The American Political Science Association, The American Statistical Association, The American Sociological Society, The American Anthropological Association, The American Historical Association, and The American Psychological Association.

The Committee on Research Fellowships of the Council consists of Dr. Wesley C. Mitchell, Chairman, Professor of Economics, Columbia University; Dr. Charles E. Merriam, Professor of Political Science, University of Chicago; and Dr. F. Stuart Chapin, Secretary, Professor of Sociology, University of Minnesota.

The fifth session of the Institute of Politics will be held at Williamstown, Massachusetts, July 23 to August 22. The general lecture courses are to be: "Italy and the Mediterranean Area," by Count Antonio Cippico, of Rome; "Peace Problems of France," by Robert Masson, of Paris; and "The League of Nations," by Professor William E. Rappard, of Geneva. A general conference open to all members of the Institute and its instructional and administrative staffs will be conducted by Mr. Lionel Curtis, of Oxford University, on "The Com-

monwealth of Nations," and another by Professor George H. Blakeslee, of Clark University, on "The Recent Foreign Policy of the United States." Regular round table conferences, meeting three times a week during the session and limited to duly enrolled members, will be as follows: "International Justice," Professor Phillip M. Brown, of Princeton University; "Agricultural and Population Increase," Professor Edward M. East, of Harvard University; "Economic Recovery of Europe," Professor Edwin F. Gay, Harvard University; "International Aspects of Natural Resources," Professor Charles K. Leith, University of Wisconsin; "Problems of Armament," Sir Frederick Maurice, of London; "Outstanding Problems in Inter-American Relations," Dr. Leo S. Rowe, Washington, D. C.; "Some Political Problems in Europe," Professor Bernadotte Schmidt, University of Chicago; and "The Mediterranean Area," Professor Arnold Toynbee, University of London.

The executive committee of the National Conference on the Science of Politics announces that the next meeting of the Conference will be held at New York City under the joint auspices of Columbia University and the National Institute of Public Administration, September 7-11.

The program of round tables includes the following:

Round Table I. Politics and Psychology: Experimental Methods of Studying Public Opinion, L. L. Thurstone.

Round Table II. Personnel Problem: William E. Mosher, managing director, School of Citizenship and Public Affairs, Syracuse University.

Round Table III. Public Finance: State Supervision of Local Finance, John A. Fairlie, professor of political science, University of Illinois.

Round Table IV. Legislation: The Delegation of Discretion to Administrative Agencies, H. W. Dodds, editor of the *National Municipal Review*.

Round Table V. Political Parties: (Leader and sub-title to be announced later).

Round Table VI. Constitutional Law: Determination of Methods for Ascertaining the Factors that Influence Judicial Decision in Cases Involving Due Process of Law, Arnold Bennett Hall, professor of political science, University of Wisconsin.

Round Table VII. Nominating Methods: The Development of a Technique for Testing the Usefulness of a Nominating Method, Victor J. West, professor of political science, Stanford University.

Round Table VIII. International Organization: International Commercial Development and the Consular System, Pitman B. Potter, associate professor of political science, University of Wisconsin.

Round Table IX. Municipal Administration: Research, Luther Gulick, director, National Institute of Public Administration.

Round Table X. Regional Planning: Shelby M. Harrison, director, Department of Surveys and Exhibits, Russell Sage Foundation.

The local committee on arrangements consists of Raymond Moley, chairman, Howard Lee McBain, Luther Gulick, Schuyler C. Wallace, John J. Coss, and Joseph McGoldrick, secretary. The committee promises a very interesting program of entertainment supplementing the work of the Conference. Columbia University will make ample provision for the accommodation of the Conference and its members. Housing accommodations for the men of the Conference will be provided in Hartley Hall. Rooms can be secured for \$1.50 a day. The women of the Conference will be housed in Johnson Hall, the new fourteen-story dormitory for graduate women. The Faculty Club, adjoining Johnson Hall and one block from Philosophy Hall, will extend its hospitality to the members of the Conference. Breakfast will be served there a la carte, luncheon sixty cents, and dinner one dollar. The general rooms of the Club, including the lounge, card room, and billiard room, will be at the disposal of the men of the Conference. The women will have extended to them the privileges of the Women's Faculty Club in Johnson Hall. The tennis courts of the University will be available for the use of the members of the Conference.

The directors of the round tables will issue agenda for the work of their groups. These will be sent to the members early in the spring in order that ample opportunity may be afforded for preliminary work in preparation for the Conference.

BOOK REVIEWS

EDITED BY W. B. MUNRO AND A. C. HANFORD

Harvard University

Ethics and Some Modern World Problems. By WILLIAM McDougall.

(New York: G. P. Putnam's Sons. 1924. Pp. xii, 256.)

Conditions of National Success. By HUGH TAYLOR. (New York:

D. Appleton and Company. 1924. Pp. viii, 351).

Democracy and Leadership. By IRVING BABBITT. (Boston and

New York: Houghton Mifflin Company. 1924. Pp. 349.)

Culture and Democracy in the United States. By HORACE M. KALLEN.

(New York: Boni and Liveright. 1924. Pp. 347.)

Here are four authors who figure more or less considerably in the thought of the time, all bent upon making democracy safe for the world in their respective spheres and in their several fashions. Mr. McDougall is all for a recognition of the need of tempering the universal ethic of religion by recognizing the legitimate rôle of the nation as a psychic or moral organism, and its consequent claim to an ethic of its own. Something of the same theme occupies Mr. Taylor. He wishes to determine the proper compromise between an eternal dualism of forces, reason and religion, order and energy, aristocracy and democracy, that will assure the conditions of national success.

Mr. Babbitt, too, is interested in the critique of democracy from an ethical point of view and deplors its lack of standards and leaders. But his appeal is away from the manipulation of social forces, whether through the immigration barriers, eugenics, birth-control, and intelligence tests of Mr. McDougall, or through the balanced compromise of coalition government to which Mr. Taylor looks for salvation. Mr. Babbitt places small reliance on mechanisms or external social arrangements, although he does term his book a defense of the veto power; he has faith only in a cultural salvation, in a return to a real humanism that will clarify the standards of value which individuals must apply in a democracy if "social forces" are not to be used in a sort of effort to lift humanity by its own boot-straps.

From the culture of this humanism it is something of a step to that of Mr. Kallen which is distinctly of the "newer" type. Mr. Kallen

himself describes his point of view as "cultural pluralism," and admits his philosophical indebtedness to the pragmatism of James and Dewey, particularly James. It is directly aimed at the assumption of social psychologists like McDougall that it is possible to postulate cultural superiority for a given race or nation; and at the humanism of writers like Babbitt who think it possible to erect standards of values by critically taking thought about the relations of philosophy and social institutions. Mr. Kallen belongs to the new "humanists" who reduce human nature to "attitudes," "emotions," and economic "actualities," and accept Whitman's gospel of value.

All four enter into the controversial realms of social psychology, with a wide divergence in both premises and conclusions; so that the reviewer hopes to be pardoned the inevitable reflection of his own *parti pris*. For instance, if one accepts Mr. McDougall's ideas of a group mind, one is no doubt committed to as many "ethics" (in the sense proper to social psychology) as there are group minds in which one has become a functioning member. There seems no valid reason to stop with the dualism between national ethics and universal ethics. What of trade-union or professional ethics? What of church ethics, not as a matter of universalizing values within a religion like Christianity, but of differentiating and choosing values in conformity with the infinite variety of sects. The idea of the group mind plays into the hands of pluralists, rather than into those of dualists or monists, culturally as well as politically. But then one need not accept the psychology of the group mind.

It remains to be said that McDougall's estimate of the nation as the most important summary of individuals into a purposive system seems valid under contemporary conditions. Practical ethics are not susceptible, perhaps, of the simple synthesis that is the nation in McDougall's fashion. Yet men's loyalty is demonstrably more firmly attached to the nation than to any other unit, and conventional morality, or the group-imposed *ethos* that he calls national ethics does warp men's lives to conformity—no matter what the religious or universal ethics be.

For students of politics the most suggestive parts of Mr. McDougall's book are those in which he applies his ideas of ethics to political problems: Universal ethics means ultra-democracy; national ethics implies natural aristocracy. Apparently the latter is still to be obtained by sending the best men to parliament and leaving things to them—as the group mind indicated. In the face of the concerted admission

among political scientists of the breakdown of parliamentarism, if ever it really existed on the plane Burke held up to the electors of Bristol, that is hardly more than a pious wish; for parliaments are the creatures of the times; if members have become mere delegates, it is hardly through their own desire to renounce their power.

Still, as a matter of *ought*, not *is*, Mr. McDougall may have the right of it. Perhaps he is right, too, in suggesting that Internationalism is to be preferred to Cosmopolitanism, and that preoccupation with questions of national ethics in world problems may force a better type of representation and allow a freer scope to representatives. These, however, are matters of opinion. They do not justify such a title as the Appendix carries: "Outline of the One and Only Practicable plan for Bringing About the Disarmament of Nations and the Reign of International Justice." His proposals are in good earnest, though, and Mr. N. D. Hirsch, his collaborator, deserves congratulations for his share in thinking out a proposal, which, whatever its faults, is marked by the freshness and brilliance Mr. McDougall always has. Its program will no doubt be a little startling to those who have taken Mr. McDougall's defense of a national ethics seriously, for the proposal involves the control of the air and of all aerial transport by an "International Authority."

The unreality of sociological a-priorism hovers over Mr. Taylor's *Conditions of National Success*, in spite of the "scientific" case which he gives his generalizations. Many of these seem hardly more than obvious truisms. But he reasons, from the conclusion that a working compromise between liberalism and conservatism is a necessity to government, to the further specific proposition that coalition government, still more specifically Mr. Lloyd George's coalition government, is the best possible government under modern conditions because it contains enshrined in itself the perpetual principle of such a compromise.

Mr. Taylor starts from the almost dogmatic assertion of the "fact" that the "individual may more properly be regarded as the creature of the social organism." In spite of proceeding along such dangerous lines, however, he manages to say a great deal about the conditions of national success that is really valid and to the point, if one interprets national success as Mr. Taylor does to mean national survival. In these terms, the condition of national success lies primarily in the subordination of the individual to the national organism. Secondly, the functioning of that organism is made smoother if neither extreme

of the opposing forces in national life extinguishes the other: an Aristotelian balance between religion and reason, ethical education and scientific education, absolutism and democracy, conservatism and liberalism, and so forth.

Mr. Babbitt is, by common consent, one of the few first-rate critical minds in our academic ranks. Anything that he writes is apt to be of some distinction in matter and treatment—and *Democracy and Leadership* is no exception. What presently concerns Mr. Babbitt is the sequel, one might say, of the philosophic trend remarked in his earlier book on *Rousseau and Romanticism*: sentimentalism and utilitarianism enthroned as the philosophy of democracy; the consequent loss of the critical edge from our standards of values; the loss of the humility that goes with a real humanism.

He has chosen Rousseau as his protagonist in the mighty struggle of democracy against Burke, because Rousseau gave to the rationalistic doctrine of the rights of man the drive it lacked in Voltaire, or Godwin (whom Mr. Babbitt hardly mentions, though he was an influence on the times as important to the English contemporaries of Burke as Rousseau himself). One might also wish fuller justice for Tom Paine.

Mr. Babbitt is the apostle of the moral will of a rightly conceived Puritanism—what Bergson would call a *frein vital*, or a brake on doing. At times, when he considers the shortcomings of democracy in this respect, he loses his urbanity and becomes a little too strident for the true humanist in denouncing the “decadent imperialism” toward which we are headed. On the negative side his criticisms are very much like those of Sellière and Spengler. He does not, as Oswald Spengler does, believe we are headed there inevitably. His whole cry is for brakes! brakes! to stop the downward slip—and the brakes of any civilization are standards. But he is as pessimistic as McDougall about the state of the Union, and with as reformatory intent.

There is so much wisdom in Mr. Babbitt's book that criticism is an unpleasant task. Yet it is hard to escape the conclusion that the times, be they never so out of joint, are not to be set right by crying out “Oh cursed spite!” The morally responsible individual, one may agree, is the last hope; but his ears are deaf to mere exhortation when he is too busy to listen. The need “to develop a little moral gravity and intellectual seriousness” is a real one. But it is no more to be filled by renouncing Rousseau in favor of humanism, than the cause of that need is to be found in Rousseauism. The mills of the gods grind other forces than ideas. One must cope with all of them.

As for the veto-power which Mr. Babbitt defends—that depends upon the use to which it is put. By what standard, say, shall we measure its use in indiscriminate injunctions, and judicial absolutism? Only by their fruits, I take it. Mr. Babbitt says that the “forward-looking” professors in law schools who are preaching “social justice” are “boring from within,” for “social justice . . . means in practice class justice, class justice means class war and class war, if we are to go by all the experience of the past and present, means hell” (p. 308). To the reviewer that smacks a little too much of the later Burke to command the respect one usually owes Mr. Babbitt’s opinions.

This is no place to discuss the two appendices, which, philosophically, contain the meat of the book: “Theories of the Will,” and “Absolute Sovereignty.” They make Mr. Babbitt’s case or break it, and are worth reading, as is the whole book.

Whether Mr. Kallen’s book is equally worth reading will depend so largely on point of view that one can only offer it for approval. *Culture and Democracy* is very much in the tone and style of Mr. Kallen’s other writings in the various journals from which several of the essays were taken. They are all bound together by the thread of the immigration problem, and are adventures in what Mr. Kallen terms “cultural pluralism.” If Mr. McDougall and Mr. Babbitt are good Tories in their predispositions, Mr. Kallen is an equally good Radical. His chief bogey is a “Kultur Klux Klan” which will succeed in “Americanizing” all the various cultures contributed to America into “A kind of Rooseveltian *massenmensch*.” He is convinced that there is a real culture in the United States, the product of “variation of racial groups and individual character.” It is a culture which will be lost if we succeed in stamping all our citizens with the meaningless die of “100%ism.” “The Meaning of Americanism” is, all told, a very fine essay, written with a restraint and dignity not found in the other chapters. In the latter chapters it is the tone rather than the matter that one might criticize.

W. Y. ELLIOTT.

University of California.

The Story of the Empire. By SIR CHARLES LUCAS. (New York: Henry Holt and Company. 1924. Pp. xvi, 286.)

The Constitution, Administration and Laws of the Empire. By A. BERRIEDALE KEITH. (New York: Henry Holt and Company. 1924. Pp. xxii, 355.)

The Resources of the Empire and Their Development. By EVANS LEWIN. (New York: Henry Holt and Company. 1924. Pp. xviii, 364.)
Health Problems of the Empire, Past, Present and Future. By ANDREW BALFOUR and H. H. SCOTT. (New York: Henry Holt and Company. 1924. Pp. xxii, 413.)

These four volumes are the first of a series of twelve designed by the editor, Hugh Gunn, as a comprehensive survey of the British Empire of to-day. In some measure, the enterprise is a literary by-product of the British Empire Exhibition at Wembley. The editor has been fortunate in enlisting the services of men who both know their subject and know how to write. Each volume is self-contained, but coördinated in a comprehensive stock-taking.

Sir Charles Lucas, with ripe experience as historian and administrator, tells again the story of the Empire's growth. He begins by recounting the preparation of the little North Sea island for its task of empire, how its people were disciplined and its government consolidated, how its trade expanded and its ships fared forth to far seas. Then from this core he traces the territorial expansion of the Empire and the experiments in political relationship down to the present time. Like many others since Seeley, Sir Charles omits or subordinates all other influences on the shaping of the overseas dominions and colonies: it is a story of how one "island has widened into a quarter of the globe," of "an island which has been the source of it all." There is undoubtedly a great measure of truth and of romantic interest in this conception; it gives unity to the treatment, but it is only a part of the truth: from India to Ireland, from America to Africa, there have been other sources, other backgrounds, than this insular source. Aside from this question as to point of view, there is little in the record to which exception could be taken, and much to acknowledge gratefully. Sir Charles has an eye for the essential, a range of mastered knowledge, a fairness in judgment, and a pithy, vigorous style, which give the reader passing pleasure and lasting understanding.

Professor Keith has faced a harder task. He has had to deal with the present, not with the past, of an organization still in rapid flux, and to include in one volume studies in international law and comparative government as well as in internal political structure. The surveys of the internal workings of the several governments of the Empire are close-packed and well-balanced. More controversial are the sections dealing with inter-imperial relations and international

status. Mr. Keith is insistent that, however far dominion autonomy has proceeded, the British Empire is still a single international unit, and that the British government exercises ultimate power and responsibility in all foreign affairs. This unity, he states, has been largely lost in the distinct representation and action of the dominions in the League of Nations, but remains in all other relations. To sustain this latter contention, Mr. Keith endeavors to explain away the action of Canada and the resolution of the Imperial Conference of 1923 as to separate signature and ratification of treaties. The recent Canadian treaties and conventions with the United States and Belgium are not drawn with "the British Empire" as one of the high contracting parties, but with "His Britannic Majesty, in respect of the Dominion of Canada": the United States Senate rider to the Halibut Treaty, designed to bind all parts of the Empire, was dropped when the treaty was ratified in 1924. Mr. Keith's most insistent contention, that in last analysis the British government holds the power and responsibility of deciding whether full powers shall be issued for signature or ratification of a treaty covering a dominion, is not endorsed by responsible authorities: the Canadian Prime Minister stated, in a House of Commons debate on March 21, 1924, that it was definitely understood in the last Imperial Conference that British ministers in such case serve only as a channel of communication and that the responsibility for the advice rests with the dominion ministers who tender it.

The other two volumes of the series which have appeared are of less general appeal to students of politics, but they fill distinct gaps in the literature of imperial problems. The Librarian of the Royal Colonial Institute has given a well-balanced summary of the resources of the Empire and the trends in present development, with many constructive suggestions for further utilization. Dr. Balfour and Dr. Scott, of the London School of Hygiene and Tropical Medicine, have broken newer ground, as far as popular discussion goes, in their account of the "great drama, an outline of public health history in its relation to the British Empire." What diseases may be said to be "imperial" because of their range and danger, how a health conscience has evolved and found expression in campaigns of sanitation, what yet remains to be done, are recounted with vigor and sanity, in a way to interest every student of the concrete problems of administration.

O. D. SKELTON.

Ottawa, Canada.

Germany in Transition. By HERBERT KRAUS. (Chicago: University of Chicago Press. 1924. Pp. xi, 236.)

Germany's Constitutions of 1871 and 1919. By OTIS H. FISK. (Cincinnati: The Court Index Press. 1924. Pp. vi, 292.)

The lack of accessible and authentic guidebooks in English to the complexities of German political development has left American students of republican Germany somewhat at a loss in any endeavor to interpret the maze of cross-currents affecting the fortunes of the new Reich. The two volumes under review are material and scholarly contributions toward much-needed understanding. In the first the author endeavors to analyze the German mind and calculate, from intimate comprehension, the imponderable forces affecting his countrymen; the second work approaches the new Reich and its constitution in comparison and contrast with their legal forebears, seeking to trace objectively the course of constitutional doctrines.

Professor Kraus's book embodies the lectures delivered in 1924 at the University of Chicago on the Harris Foundation. In consonance with the aim of the Foundation "to give accurate information, not to propagate opinion" the author, after a trenchant analysis of political and social cross-currents in Germany, endeavors with frankness to set forth the German point of view on reparations, the League of Nations, self-determination, the Weimar Constitution and states' rights. "*Je ne propose rien, je ne suppose rien, j'expose*" is his motto, and in general he adheres to this purpose, despite many temptations to digress upon controversial subjects. The author's social-psychological method of dissecting the complex phenomena of German life tends at times to abstruseness, as in his discussion of nationalism, internationalism and universalism (pp. 75-82); but when on firmer legal ground, as, for example, in regard to the theory of reparations (pp. 33-43) and on Germany's attitude toward arbitration (pp. 97-102), he speaks with both authority and clearness. His analysis of party tendencies at the height of the Hitler movement is peculiarly informing, while his clear-cut distinctions between the federalistic and separatistic tendencies of various portions of the Reich are illuminating.

The Weimar Constitution, Professor Kraus holds, was almost completely independent of concrete foreign examples, although it is "a rather patched covering, the cut of which was to a great extent dictated by outside factors." This somewhat paradoxical statement is amplified to show that the joint influence of the draft constitution of the Frankfort Parliament and the old *Reichsverfassung* far outweighed

any extraneous political ideas, but that the application of many far-reaching principles proposed at Weimar was seriously curtailed by the Treaty of Versailles and pressure applied by the Allied governments. Despite the defects which party compromises produced in the constitution, particularly in the Bill of Rights and the distribution of authority between Reich and Länder, which has led to "suicidal" separatist tendencies, Dr. Kraus holds that "if the German people were asked today the question of whether the Weimar Constitution should be fundamentally altered or abolished, the majority would probably answer 'No'" (p. 185).

The service performed by Mr. Fisk's comparative study of the old and new Reich constitutions lies not merely in placing them in juxtaposition, with ample annotation and full introductions to each; the distinctive feature of his contribution is its comparative analysis of the Preuss draft, the Government draft, and the amended committee versions of the new document. His unique "Parallelograph" with its schematic cross-reference tables permits ready discovery of the authorship of the various parts of the Constitution, and of the development of the document through its successive drafts. For this highly developed technique students of comparative constitutional law should be deeply grateful. Mr. Fisk's endeavors at meticulous translation, "mirroring the expressed thoughts of the original writer," are of necessity somewhat labored, but his choice of source materials is in general sound and his excerpts from eminent German authorities on both constitutions of high value. Mr. Fisk modestly disclaims authority as a historian, but has achieved a succinct and valuable account of German constitutional development, particularly during the critical interregnum between the downfall of the old Reich and the establishment of constitutional democracy at Weimar.

MALBONE W. GRAHAM.

University of California, Southern Branch.

Problems of Citizenship. By HAYES BAKER-CROTHERS and RUTH ALLISON HUDNUT. (New York: Henry Holt and Company. 1924. Pp. xiv, 514.)

The "cult of incompetence" as a synonym for democracy has not had wide acceptance or usage among American educators. On the contrary, in keeping with the American tradition that the citizen is omniscient or nearly so, they have accepted the responsibility for bringing the rising generation to such a level. This is true not only

of primary education but is emphasized in secondary and university education. The normal test of fitness for citizenship consists of such very uncritical requirements as the accident of birth and the recognition of jurisdiction, and in most cases the latter is assumed without declaration. The participation of the citizen is conditioned on the legal side by age, residence, and other formal requirements. In some cases there is added to these the educational requirement of ability to read and write, a test which represents a very low standard in terms of formal training. As a people we have not given much serious consideration to the question of whether the citizen has any vital relation to the state, unless it be in connection with the problem of defense, in which case the individual often finds himself willy-nilly subject to controls of whose existence he has not been previously conscious. The boy of eighteen, who as a citizen is a subject of the draft, is still three years short of being entrusted with any opportunity for partaking in the formulation of public policy. Whether the recent interest in citizen training is the aftermath of doubts and fears generated during the course of the World War, or whether it comes from a genuine recognition of the fact that heretofore no thorough-going approach to the question of citizenship has been attempted and it is therefore now desirable to begin it, serious thought and effort is now being devoted to a study of the whole field of citizenship.

At the very outset it would seem as though this would imply some scientific approach toward the concept and its definition. It is the weakness of much of the present efforts being expended in the field, and likewise of much of the teaching in the field of civics and political science, that the American tradition of the omniscient citizen is not challenged and subjected to scientific analysis. Viewed in the light of the tradition, the present volume is an excellent contribution to a rapidly developing literature. The assumption is that a study of the various problems indicated within its scope, namely, the problem of the newspaper, of immigration, the negro, the feminist movement, industry, civil liberty, international relations, and of war and peace, will qualify the student to function intelligently as a citizen. This may or may not be a sound assumption, but it is the one upon which most efforts in this field are now proceeding. It is fair, however, to inquire whether the assumption itself ought not to come under scrutiny.

Proceeding from the assumption on which this volume starts, one must recognize the difficult question which faced the authors as to what to include and what to leave out. For example, in the field of

real politics the following forces would seem to warrant some consideration: organized propaganda, political tradition, the sources of political controls, the decline of representative institutions, and education. It might be well, for example, for a student to consider what proportion of the social income might have to be expended in order to produce an intelligent body of citizens. One educator who has thought ahead in this direction suggests that it will require the entire surplus of the social income, in which case we have hardly made a beginning. Still the field is so large that it is difficult to quarrel with emphasis.

One must admire the industry and craftsmanship of the authors of *Problems of Citizenship*. In a field so ill-defined the work will be very useful to many who are now struggling with the problem and to whom the experience of the authors is thus made available. The book makes no contribution to the definition of what that problem is, except by inference. The time is not far off when experience will force us back upon the physiological and psychological bases from which we must start, as well as the legal ones now used as the point of departure. Perhaps in the end we will find that different degrees and different kinds of citizenship, adapted to the capacity and ability of the individual citizen, will be desirable. The first problem of citizenship may be the citizen. One suspects, too, that a new technique will have to be developed in order to call forth the power to discriminate between logical and illogical choices, to immunize against directing the citizen, so-called, into channels that are not politically and socially useful.

RUSSELL M. STORY.

Syracuse University.

Farmers and Workers in American Politics. By STUART A. RICE. (New York: Longmans, Green and Company. 1924. Pp. 231.)

Professor Rice of Dartmouth College calls his study of the question of coöperation between farmers and laborers "behavioristic." But no one need thereby be frightened away from his thoroughly realistic treatment of the most orthodox of data—the Census returns and legislative roll-calls. The first part of his monograph is deductive, an analysis of economic, cultural and psychological backgrounds of the two groups, with an estimate of the way these and similar factors affect the political attitudes of the "average member" of these groups. The second part is inductive, a statistical measurement of farmer-labor alliance (or opposition) in national and state elections, and in Congress and a number of state legislatures.

The author has carried forward another stage President Lowell's study of the influence of party on legislation, in order to make, if possible, an estimate of the influence of group interests on the characteristic behavior of the representatives of these interests. Not only do we want to know that party lines are not tightly drawn in this country, but why they are not, and how we can forecast the probable attitudes of group leaders on specific questions.

There is not space in this brief review to indicate more than the broadest aspects of the author's method or his conclusions. He has analyzed 95,000 individual votes (including those of 98 labor and 259 farmer legislators) in 21 state legislatures during 1057 roll-calls, and numerous votes in Congress, besides the results of the 1920 elections in considerable detail. Throughout there are evidences of careful workmanship—the "criteria" used in defining terms such as farmer and worker are given (Appendix A), and the statistical methods employed are explained (p. 54, etc.). The "correlations" of insurgency with economic conditions and emotional attitudes are searching and suggestive; Professor Rice has made a good case for his theory of political "culture areas." "In comparing the political behavior of farmers and industrial workers, greater differences of opinion may be found within each class, when comparisons are made geographically than between the two classes when comparisons are made in the same limited geographical area. The concept of culture areas enables us to make use of data of this character, for a constant relationship between the two classes in the same area is of more significance than a constant approximation of the views of each class to a fixed type of opinion." (p. 182).

Professor Rice has supplied us with a psychological chart, carefully buoyed by the twenty-seven tables which mark the channels of investigation which he has followed, and equipped with sailing directions for future voyagers—the results of his own soundings. Here is one typical of others as significant, "Thus it appears that farmers and workingmen are least in agreement upon questions which evoke traditional sentiments and emotions regarding moral standards. They are less in disagreement, or even in some degree of agreement, upon questions which are more likely to be solved on rationalistic grounds, or which involve a calculation of self-interest" (p. 214). Let us have more charts like this one as aids to a scientific understanding of the group-ways of our Great Society.

PHILLIPS BRADLEY.

Wellesley College.

The Evolution of American Political Parties. By EDGAR E. ROBINSON.
(New York: Harcourt, Brace and Company. 1924. Pp. viii, 382.)

According to the subtitle this book is "A Sketch of Party Development." This secondary characterization is a good statement of the nature of this work. Professor Robinson's book is an attempt to trace the political history of the country as this is developed in the organized activities of political parties.

While in the main the traditional historical divisions of party development have been followed, other distinctive characterizations of various periods have been introduced. Consideration is given at the outset to the origins of American political practice in the divisions in public opinion during and after the Revolution. The accounts of the first party government, the development of the organizations and the failure of party government just before the war are particularly good. The struggles of the party leaders for the control of the organizations and the various phases of recent party development are also well presented.

The view of Rhodes that "the history of political parties is the civil history of the country" is modified by Professor Robinson. This book is accordingly not strictly a political history nor actually an account of all party activities with emphasis upon campaign utterances, beliefs of party groups and the conduct of leaders, "irrespective of their relation to well recognized party organizations." Party is used in the narrower sense as being identical with organization. The history of party activity is, therefore, an account of organized political effort. The party is regarded as the integrating factor in American life, as the motivating agency in the conduct of government.

The effort is made to trace the development of the party system as an organization. The purpose of the book is to show "the influence that party organization has had in the more inclusive history of the government" and to describe the "activities of the succession of comparatively small groups of men, who under the cover of various names, have continuously exercised or sought to exercise the governing powers of the nation."

If this book were regarded merely as a political history one might challenge the author's dismissal of the question of the Alien and Sedition laws in the election of 1800 with Channing's declaration that "it is impossible to trace any connection whatever" between them and the defeat of Adams. But leaving aside controversial subjects and regarding the book simply as a contribution to the literature of political

science one must say that it is an excellent piece of work. The task which the author has sought to accomplish has been well done. Too often texts on political parties give only perfunctory or inadequate attention to the historical development of parties. This book will form a splendid historical introduction to a more analytical study of the American party system.

CHARLES F. WEST.

Denison University.

National Party Platforms. By KIRK H. PORTER. (New York: Macmillan Company. 1924. Pp. xvi, 522.)

In his preface, Professor Porter admits the difficulty involved in determining what is a national party and what is a party platform. However, he does not show why the resolutions adopted by the ratification meeting of Whigs in 1848 constitute a platform, whereas the resolutions adopted by a ratification meeting of Democrats in 1832 do not; nor does he show why the resolutions adopted by the Socialist Labor party in May, 1924, constitute a platform, whereas the resolutions adopted by the Workers' Party of America the following July do not. The Workers' party actually polled a larger vote than the Socialist Labor party in the election. There may be a reason for these omissions, but less can be said in defense of the inaccurate texts of the 1924 platforms of the two major parties. The Republican party platform (as it appeared in the *Des Moines Capital*) is not complete and it contains one plank that does not appear in the official version. An index would be a valuable addition to this source-book. A very interesting supplement would be a compilation of some of the principal proposals that met defeat at the hands of the platform committees. Such a record would involve a tremendous amount of work. Professor Porter is to be commended for the care taken with the major portion of his compilation of the formal product of the resolutions committees.

HAROLD GOSNELL.

University of Chicago.

The Colonial Background of the American Revolution. By CHARLES M. ANDREWS. (New Haven: Yale University Press, 1924. Pp. x, 218.)

The Spirit of the American Revolution. By JOHN C. FITZPATRICK. (Boston: Houghton Mifflin Company, 1924. Pp. viii, 300.)

The book in which a veteran scholar of the colonial period seeks to generalize and synthesize from his accumulated learning can hardly fail to have a considerable significance. Such a book is Professor Andrews's *The Colonial Background of the American Revolution*, consisting of four essays of from forty to sixty pages each, which form, taken collectively, a study in the development of the relations of the colonies with the mother-country, and in the crisis of imperial statesmanship which is one of the dominant phases of the American Revolution. Professor Andrews insists throughout on the broad conception of his theme, regarding the relations of Britain with her colonies, not from the parochial or exclusively American standpoint, but as a story which can only be understood by understanding alike both England and America. The interpretation of both sides of the matter is, indeed, one of the most striking features of the volume.

Professor Andrews's conclusions are of necessity not very novel, but they have the force of solid scholarship behind them. With regard to the claim of Parliament to legislate for the colonies, he points out that that claim was never denied by the colonists until 1765, and was indeed frequently acquiesced in, whatever may have been the cogency of the legal argument against the exercise of such authority, so ably developed in the recent volume of Professor McIlwain. It was, he declares, the substitution for the mercantile viewpoint of the imperial viewpoint which brought about colonial revolt. The mercantile view was based on immediate profit and loss; the imperial view on the development of vast undeveloped regions, necessitating taxation of the colonies as a part of the process. When taxation came, the emphasis of the American radicals on constitutional theory made a settlement impossible, for, though on economic matters compromise might have been feasible, the second-rate British statesmen of the eighteenth century saw no course open to them but the maintenance of those constitutional claims on which the whole colonial system rested. The Revolution was developed out of the natural failure of a sophisticated, aristocratic governing class to understand the psychology of the frontier, and the aggressive individualism which it bred. The book closes with a renewed emphasis on the necessity of the broad viewpoint, the scientific historical viewpoint, in dealing with the vital story of the American Revolution.

Mr. Fitzpatrick's book is of a very different kind, whose title is far from descriptive of its contents. It consists of a series of brief articles, many of them chiefly of antiquarian interest, on such topics as "The

Bands of the Continental Army," "Washington's Headquarters in Seven States," and "The Post-Office of the Revolutionary War." The materials have been taken from the vast body of historical manuscripts in the Library of Congress, and often collected with the most painstaking care. There are many interesting details, but, unfortunately, details make up the whole volume. Of the deeper forces or of the color and life of the period, implied in the title, the book has very little.

DEXTER PERKINS.

Rochester University.

The Town Proprietors of the New England Colonies. By ROY HIDE-MICHI AKAGI. (Philadelphia: Press of the University of Pennsylvania. 1924. Pp. xiii, 348.)

The purpose of this study has been "to present an account of the development, organization, activities, and controversies of the proprietors of the New England towns" (p. 13). These groups—distinguished from the more familiar feudal-like rulers of the proprietary provinces—are defined as "the original grantees or purchasers of a tract of land, usually a township, which they and their heirs, assigns, or successors, together with those whom they chose to admit to their number, held in common ownership" (p. 3). Part I is devoted to the institutional aspects of these town proprietors,—the methods by which they acquired property; their internal organization, legal basis, membership and records; their territorial and political activities; and the controversies in which they were involved. Part II traces the effect of land speculation upon the proprietors of the eighteenth century, which, coupled with the influence of boundary disputes, the need of frontier defenses, and the general economic expansion of the century, was responsible for the creation of the later townships (p. 204). Such conditions compelled a departure from the "cautious and prudent policy" of the previous century, and a resulting change in the character of the proprietors to a speculative, heterogeneous type of absentee landlords. Incidentally, the effects of land speculation are shown upon the Great Proprietors,—principally the patentees under the Council for New England—and upon the revival of western claims by the various colonies.

The last chapter contains an admirable summary of the conclusions that the author has reached. He finds that the significance of the town proprietors arises mainly from the fact that they constituted a

land community as distinct from the political community. Because of this position they were the sole instruments in changing land titles from individual to collective ownership. While the town did participate in the control of the division of land in the early part of the seventeenth century, the "town," in its original inception, at least, was nothing but the propriety, and a town meeting was synonymous with a proprietor's meeting (p. 289). From this viewpoint the proprietors became the true "builders of towns" and were responsible for its institutions, protection and expansion. With this conclusion, the author emphasizes his theory as to the origin of the New England towns,—that they "were founded as a result of a simple business arrangement to meet the exigencies of the colonists amid the new environment" (p. 291). This appears to have been the viewpoint of Charles Francis Adams in his *Genesis of the Massachusetts Town*, although Mr. Akagi is apparently unwilling to follow Mr. Adams in his famous "charter theory." Indeed, he rightly dismisses, in addition, the theories of Germanic origin, the "primordial germ," and the English parish analogy on the basis that while they "may contain a truth of their own . . . they never adequately explained the real origin of New England towns" (p. 291). But while the importance of the proprietary system in determining the character of early local New England institutions would be generally admitted after an examination of Mr. Akagi's able analysis, the only question that might arise would be: Does it occupy,—independent of other elements—the predominant influence that the author appears to prescribe to it?

The book is a welcome contribution to the development of New England institutions. It is precise, readable, and scholarly. It contains thirty-eight pages of selected bibliography carefully presented.

JOHN F. SLY.

Framingham, Massachusetts.

The Genesis and Birth of the Federal Constitution. By J. A. C. CHANDLER, Editor. (New York: The Macmillan Company. 1924. Pp. xii, 397.)

In this volume Dr. J. A. C. Chandler, President of the College of William and Mary, has gathered and edited the addresses given before the first term of the Marshall-Wythe School of Citizenship of that institution, in 1921, by a number of well-known scholars and jurists, including Alton B. Parker, James Brown Scott, and James M. Beck.

As might be suspected from the title, the addresses in order show the reader how our federal constitution has its genesis deep in the political institutions and developments of the past, those of the Greeks, Romans, and Anglo-Saxons; and how it grows with the constitutional struggles in England culminating in the fall of the Stuarts. The reader is then figuratively transported to this side of the Atlantic, where he studies the colonial governments of Virginia and Massachusetts, and then sees the issues and influences working for the union of the colonies. The ensuing addresses contain discussions of the work of the continental congresses, of the articles of confederation, and of the several phases in the actual birth of the Constitution, concluding with the struggle for ratification. The final address by James M. Beck makes an appeal for the preservation of the Constitution.

In the appendix are biographical sketches of the two Virginia worthies for whom the school of citizenship is named, John Marshall and George Wythe. It is perhaps not generally known that George Wythe was the teacher of Marshall, Randolph, and Jefferson, the first professor of law in the United States, and the first Virginia signer of the Declaration of Independence.

The Genesis and Birth of the Federal Constitution is a worthwhile addition to the existing volume of literature on our framework of government. The addresses constitute separate tributes to that document, which, to use the words of Gladstone so frequently quoted by the several speakers, is "the most wonderful work ever struck off at a given time by the brain and purpose of man." The thought that will impress the reader, however, is not that the Constitution was "struck off," but that it has evolved through the centuries and will continue to do so as the years proceed.

The book is of value to the general reader, and will be especially helpful to the teacher who desires supplemental readings for courses in constitutional history and government.

ROBERT G. RICHARDS.

Lafayette College.

A History of the Public Land Policies. By BENJAMIN HORACE HIBBARD. (New York: The Macmillan Company, 1924. Pp. xix, 591.)

The story of the acquisition and disposal of the public domain is here told in a new volume of the Land Economics Series under the general editorship of Professor Richard T. Ely. It is a relatively full story,—as replete with specific details, tables, maps, and charts as space

permits. So pressing has been the need for condensation and so difficult has been the task of selection from voluminous original sources, that a steadfast adherence to the rigid plan has necessarily been attained at the expense of smooth transitions, vivacity of style, and the formulation of a readily-grasped general impression.

Two chapters suffice for a preliminary sketch of the problem, for definitions of terms, and for succinct historical summaries of the various additions to the public domain. So much is simple. Professor Hibbard's real problem begins with the account of the alienation of the domain under successive legislative acts. Some repetition is inevitable, whether each important law is presented section by section, or whether such chapter headings as The Credit System, Preëmption Rights, Land for Internal Improvements, Land Grants for Education, The Homestead, Grazing the Public Domain, Mineral Lands,—and so on, are made the basis of classification. Professor Hibbard for the most part chooses the latter method.

The stone-barge of every topic stops at successive legislative quarries, takes on appropriate cargo at each, and eventually arrives—full-freighted—at the building site. There, under the tireless supervision of Professor Hibbard as master-builder and the skilful hands of a special seminar of journeymen, the solid and enduring edifice takes shape.

This brief figurative analogy inadequately characterizes the bulk of the work,—some twenty-five chapters closely packed with facts. Throughout this section the author pauses neither for expressions of his own opinion nor for illuminating subjective comment, though for the benefit of those unwilling or unable to bestow the close attention demanded by the full text he has appended to almost every chapter a brief résumé.

It is in a final chapter of generalization upon the basis of some five hundred pages of fact that Professor Hibbard comes really into his own. In retrospect he sees the frauds, the political maneuverings, the utter lack of any genuine land policy as after all inevitable,—as a price that had to be paid so long as the government used the public domain as “a political and economic balance wheel.” Constructively, Professor Hibbard suggests government aid to those homesteaders anxious to get off bad lands and out of a bad bargain; this being proposed not only as a method of agricultural relief and a device for avoiding overproduction, but also as a means of offsetting any further depletion of the public domain. Moreover, he urges the application of a scientific land policy even now to what remains and to what the govern-

ment may be able to buy back at small cost. Finally, there is the bibliography.

B. G. WHITMORE.

Tufts College.

Selected Readings in Municipal Problems. By JOSEPH WRIGHT. (Boston: Ginn and Company. 1925. Pp. xviii, 961.)

With this volume the publishers' well-known series of "Selections and Documents in Economics" definitely enters the field of political science as distinguished from economics and sociology. In gathering and organizing his materials the compiler, who is superintendent of the library for municipal research at Harvard University, gives us another illustration of the useful work that can be done in such special libraries. He has clearly aimed to make the present volume serve as a companion-piece to Professor Munro's *Municipal Government and Administration*. The first forty-four chapters of the readings correspond in order and in subject-matter with the forty-four chapters of Professor Munro's two volumes. The forty-fifth and last chapter of the readings contains two selections dealing with the city of today and tomorrow.

In what may be called a vertical sense, the readings are, like Professor Munro's now standard work, highly inclusive. After presenting a few introductory selections dealing with ancient and medieval cities, they take up the growth of cities, urban social problems, the relation of the city to the state, the law of municipal corporations, city charters, nominations, elections, parties and politics, the forms of city government, the council, the mayor, administrative machinery, the civil service, city-planning, highways, parks, water supply, and so on to finance. In a horizontal or geographical sense, however, the readings have a more limited scope. In the more than nine hundred and fifty pages of readings the student will find upwards of one hundred selections written by Americans and devoted primarily to American municipal problems, as against eight of a more general character written by English men and women (Bryce, Mrs. J. R. Green, Frederic Harrison, Macaulay, and Adam Smith), and one by an Italian (Lanciani) on the sanitary conditions of ancient Rome. There are no selections which deal with the modern municipal problems of any foreign land or city. It was undoubtedly wise to lay stress upon American municipal problems, but it would be well in future editions of this work to have the point of emphasis brought out in a sub-title.

The volume is properly styled a book of readings as distinguished from documents. No attempt has been made to include constitutional provisions, statutes, charters, ordinances, or official municipal reports. Extracts are printed from a series of judicial decisions illustrating the law of municipal liability for torts, and there are some seven or eight selections which may be classed as committee or commission reports. In the main, however, the material has been selected from the works of individual writers. One finds here such familiar names as Goodnow, Deming, Rowe, Beard, Lowell, McBain, Fosdick, Pound, Wilcox, and many others.

Where the range of choice is as wide as that offered by the writings on municipal problems, perhaps no two persons would agree as to what items should be included in a book of readings. It is no adverse criticism of either work to point out that, as nearly as we can ascertain the facts, there is not a single duplication of material between the selections in the volume now under review and those in the *Readings in Municipal Government* put out last year by Professor Maxey.

Mr. Wright's work in selecting and editing his materials has, we feel, been very well done. His volume preserves and makes readily available to students a wealth of material not previously easy to get at. Libraries, too, have need of such volumes of selections, and the specialist gives thanks for every book which puts his materials more nearly at his fingers' tips. A full table of contents and an adequate index enhance the value of the book.

WILLIAM ANDERSON.

University of Minnesota.

English Political Institutions: An Introductory Study. By J. A. R. MARRIOTT. (New York: Oxford University Press. 1925. Pp. lii, 351.)

When the first edition of this book was written in 1910 its author was a history don at Oxford. Since that time he has been honored by two constituencies with election to the House of Commons, and by a Conservative ministry with a knighthood. He has been closely in touch with the recent portion of his subject-matter. Yet the third edition of this book differs from the first only by the addition of an appendix containing the parliament act of 1911, and by an introductory chapter of thirty-five pages called "The Constitution in Transition" dealing with the years 1910-1924.

Naturally one expects to find the new chapter a well-balanced inter-

pretation. It is, however, ill-proportioned, and its Toryism is acute. About three pages are devoted to the "Constitutional Crisis of 1910-11"; the same amount of space is devoted to a eulogy of the crown, and to the "increasing importance of the crown as a 'golden link'"; and eight pages to the "Overseas Empire." The terms "Empire" and "Imperial Parliament" occur again and again, but "British Commonwealth of Nations" only when it is inevitable. A good deal of space is devoted to a critical account of recent, and perhaps passing, radical theories of government. Yet there is no recognition of the fact, probably of permanent importance, that there has been a Labor government; and there is no mention of the condition, apparently normal at present, of a House of Commons with three major parties instead of two.

In spite of the new chapter, this book still fulfils one of the author's original aims; it is still the best "introduction to the history of English Institutions." For Sir John Marriott's style is always remarkably clear and pleasant, and his usually copious information is arranged with a sense of neat proportion. But the book is rapidly ceasing to fulfil its second aim, to explain "the contemporary workings of the complicated constitutional machine." After all, of what value for this latter purpose is a volume in the index of which can be found "Laud" but not "League of Nations."

E. P. CHASE.

Wesleyan University.

A History of the Tory Party, 1640-1714. By KEITH FEILING. (New York: Oxford University Press. 1924. Pp. 525.)

Curiously enough the great Whig party has as yet found no worthy historian, and the Tories were little better served by scholars until the present century. Not until 1908 did Mr. Kent produce his stimulating, though incomplete, *Early History of the Tories*, while 1924 has brought forth two valuable works on the subject, of which the one under review is the more scholarly.

Mr. Feiling has produced an interesting history of the old Tory party, which was ruined by the Hanoverian succession. His account of the origins of the party prior to the Restoration is a notable contribution to party history. His description of the Tories during the closing years of the seventeenth century is also interesting and informing.

We vainly hoped that Mr. Feiling might shed new light on the *coup d'état* of 1714. Good as Mr. Feiling's book is, it would have been still better had he used the accounts of British politics found in the

dispatches of foreign representatives at the English Court. The author also fails to show the interplay of social and economic factors upon politics. Bolingbroke is dealt with too severely and Harley (Oxford) is praised too highly. An explanation of Harley's work as a financier and of the uprising of the middle class against Bolingbroke's commercial treaty with France would serve to correct the author's views of both statesmen.

WILLIAM THOMAS MORGAN.

Indiana University.

A Defence of Liberty against Tyrants, a translation of the Vindiciae contra Tyrannos by Junius Brutus, with an historical introduction by HAROLD J. LASKI. (London: G. Bell & Sons, Ltd. 1924. Pp. 229.)

There is probably no book of the sixteenth century on the theory of the state more powerful, more characteristic, more influential in its day, and hence more valuable to a modern student, than the *Vindiciae contra Tyrannos*. Hitherto it has been inaccessible to many, however, because neither the original text nor any English translation has been republished since the seventh century. Mr. Laski here reprints an anonymous English translation from the London edition of 1689, the last of several in the seventeenth century. In some ways it is to be regretted that he has chosen to do this instead of giving us a new and more accurate translation, as this one is far from satisfactory in many places; but this defect is probably counterbalanced by the obvious advantage of having a Stuart translation of so important a work in any form.

Mr. Laski's introduction of sixty pages furnishes a most satisfactory commentary on the book and an admirable account of its place in the history of political thought. From this it becomes clear that the title of *monarchomach*, fastened in 1600 by William Barclay upon the author of this book and upon others of the same school of political thought, and indiscriminately accepted since that time, is really a misnomer. To an enemy like Barclay, who distinguished less clearly than they between monarchy and tyranny, these men appeared to be antagonistic to monarchy. They themselves would have repudiated such a title of reproach. They considered themselves *tyrannomachi* but no *monarchomachi*. The sixteenth century was not a period of anti-monarchical thought.

C. H. McILWAIN.

Harvard University.

Early Treatises on the Practice of the Justices of the Peace in the Fifteenth and Sixteenth Centuries. By B. H. PUTNAM. Oxford Studies in Social and Legal History, volume vii. (Oxford University Press. 1924. Pp. ix, 424.)

This is a notable volume in a notable series. The history of English law has suffered hitherto from a lack of knowledge of the beginnings of one of its most characteristic institutions, the Justices of the Peace. Our knowledge has extended little beyond the information given in the old treatises of Lambarde and Dalton. Miss Putnam has done a great service in giving us the first text of the important reading on the Justices by Thomas Marowe, written in the reign of Henry VII and used a century later by Lambarde but strangely neglected in later times, together with another anonymous manual, hitherto unprinted, of the early fifteenth century. These are edited with the most scrupulous care from a number of manuscripts, and prefaced by a book in which all the resources of exact scholarship are brought to bear upon the whole literature of the fifteenth and sixteenth centuries regarding the justices; with the result that some previous conclusions must be modified and the great importance of the justices of the peace at last better recognized by the historians of our law. Miss Putnam has rendered a service that is simply invaluable to all historians of England, whether legal, economic, social or constitutional.

C. H. McILWAIN.

Harvard University.

BRIEFER NOTICES

"Eternal vigilance is the price of liberty" said John Philpot Curran a century ago. Hard work and the old-fashioned virtues are the price of freedom according to President Coolidge in 1924. *The Price of Freedom* by Calvin Coolidge (Charles Scribner's Sons, pp. vi, 420) contains twenty-eight addresses delivered by Mr. Coolidge while Vice President, together with his college prize essay on the American Revolution, and his veto as governor of Massachusetts of a bill seeking to legalize the sale of beer and wine. The book makes no partisan political appeal. It contains no campaign arguments on present issues, except those which, like the protective tariff, have their roots deep in the past. Political issues come and go. Problems of government arise, are settled and are forgotten, but political principles endure. The publishers rightly claim that these addresses give the President's "conception of the basic principles of society and of the character

and significance of the American nation." President Coolidge, in his early public career as a legislator and executive officer of Massachusetts, formulated and announced his social and political philosophy. His public utterances and acts have been consistent with this philosophy.

"What are the sources then of that state of mind which supports civilization? There are but two sources, education and religion." "Any power which is not used for the general welfare will in the end destroy itself." "There are criticisms which are merited, and always have been and always will be; but the life of the nation is dependent not on criticism but on construction, not on tearing down but on building up, not on destroying but on preserving." "It is never the part of wisdom to minimize the power of evil, but it is far less the part of wisdom to forget the power of good." The performance of duty, the improvement of self, not for selfish reasons but as a duty to the community, are by this philosophy the essential test of free government, the support of civilization and the sole hope of progress and salvation. That is the price of freedom; freedom of country, of mind and of soul.

The *Memoirs of Li Hung Chang* by William Francis Mannix (Houghton Mifflin Company pp. lxxxii, 298) are now published, with an explanation of their real character written by Mr. Ralph D. Paine, a journalist and novelist, who knew Mr. Mannix intimately. Mr. Paine gives the life history of the journalistic "sport" who developed into a master of literary forgery, and who wrote in an Hawaiian prison this book of memoirs of Li Hung Chang, which had about it so great verisimilitude as to deceive not only British and American publishers but sinologists and "old China hands." Although suspicion was aroused by inaccuracies in the narrative within a few months of its first publication in America in 1913, and although in 1915 the surviving son of Li Hung Chang assured Dr. Tenney that his father had never kept a diary, the lack of any definitive statement and the ignorance of many students of China concerning the whole matter have maintained the *Memoirs* in a quasi-authoritative position. Mr. Paine's preface may not constitute proof positive that they are, in their entirety, a forgery, but it gives much evidence to put future readers on their guard. The reviewer is able to correct his statement that Joseph T. Mannix, whom the author of the *Memoirs* spoke of as his brother, was an invention. Joseph Mannix lived in Minneapolis for many years, where for a time he was a reporter and later was state printer. He is still living and when last heard from was in Africa.

Teachers of constitutional law will be glad to know that a new edition of Lawrence B. Evans' *Leading Cases on American Constitutional Law* (Callaghan & Co., pp. 1382) is now available for use. The earlier edition of this volume was widely recognized as the most serviceable compilation of its type, but the present revision marks a notable improvement. It has nearly tripled the size of the book, which now contains 215 cases. On the older topics more cases are given and, in addition, various new topics are introduced. For example, the new edition includes illustrative cases on the war powers of the national government and on the treaty-making power. The editor has also expanded his notes considerably and greatly increased their usefulness. Necessarily some of the cases have had to be abridged, but this has been very skilfully done. By way of compensation the editor has included the dissenting opinions in cases "where the court was closely divided and where the prevailing opinion has not commended itself unreservedly to the bar." All in all this new edition is well-proportioned, skilfully compiled, adequately annotated, a serviceable book from every point of view.

Two recent books on sociology are *The Scientific Study of Human Society* by Franklin H. Giddings (University of North Carolina Press, pp. vi, 247) and *Origins of Sociology* by Albion H. Small, (University of Chicago Press, pp. vii, 351). Professor Giddings makes a plea for a scientific study of human society, not for the purpose of "tinkering" with the existing order of things but to get at the facts and explain the methods which should be employed for this purpose. Professor Small's book is largely historical and attempts to show that there has been an evolution of the social sciences since 1800 and that sociology, one of the products of that evolution, is the first attempt to develop a social science upon the basis of the group conception as contrasted with the individualistic view of human life. Like Professor Giddings, the author argues for the need of scientific methods of studying the subject, in setting forth the conclusion that sociology is not "a concatenated scheme of opinions about things in general" but "like any other procedure which is entitled to the rank of science, is the application of a distinctive method to a designated type of problem." The University of Chicago Press has also published the *Proceedings of the National Conference of Social Work* (pp. vii, 652), in its fifty-first annual session at Toronto in July, 1924. Students of state and local government will find useful information in the papers and discussion devoted

to recent developments in the organization and operation of public welfare departments, the merit system in social work, the relation of a board of public welfare to the public and legislative oversight (pp. 539-572). Under the title *Law and Morals* (pp. 156), the University of North Carolina has published a series of lectures by Roscoe Pound, delivered at the University two years ago.

Roads to Social Peace (The University of South Carolina Press, pp. 133) contains the Weil Lectures on American Citizenship given by Professor E. A. Ross at the University of North Carolina in 1924. The five steps which Professor Ross regards as necessary to eliminate factions and a clash of interests in the United States are: (1) the avoidance of sectionalism; (2) the "quenching" of sectional strife; (3) the promotion of peace among nationalities; (4) the mitigation of class struggles; and (5) the allaying of the conflict between town and country. For the accomplishment of these various ends he sets up certain ideals for which we should aim. For example, he believes that sectionalism in the United States, both within the individual state and the nation as a whole, can be avoided by greater proportionality of representation in government, by proportional sharing in the burdens of government, by more careful consideration to the sectional bearing of legislation, and greater willingness on the part of the people of each section to listen to the qualified spokesmen for other sections.

The 1925 Municipal Index (pp. 521) issued by the American City Magazine is a reference work which contains a large amount of material useful to students and teachers of municipal government, civic organizations, and city officials. The volume is divided into sixteen sections dealing with such matters as administration, government, finance; city planning, housing, zoning, fire and police departments, parks, playgrounds, public health, public education, public utility ownership and regulation, street construction, traffic control, water supply, and national organizations serving municipalities. Each section includes a brief discussion of the subject-matter by some leading authority, a bibliography, and illustrated advertisements of the leading dealers in standard equipment, supplies and services. The introductory articles in each section have been prepared by various organizations, and technical experts. The book should be in every reference library.

National Isolation an Illusion (G. P. Putnam's Sons, pp. xii, 631), by Perry Belmont, covers somewhat more ground than the title indicates. In fact the book is largely a political history of the United States, supplemented by an account of recent events, and made more interesting by frequent references to the author's experiences in politics and public life. Of especial importance are Mr. Belmont's accounts of the electoral commission of 1877, the sessions of which he attended as secretary to Senator Bayard, and the material in the appendix dealing with the author's fight for the publicity of campaign funds and his arguments in favor of giving members of the cabinet seats in Congress. The central theme is an attempt to prove that from the very beginning the interests of the United States have been closely bound up with those of Europe, and that the policy of the Democratic party from the time of Jefferson has been interdependence and not isolation. The usefulness of the book is somewhat reduced by the lack of systematic arrangement and the sudden transitions from one topic to another.

Students of international relations will be interested in *The Rockefeller Foundation Annual Report, 1923* (pp. 365), a valuable summary of the international health activities of the Rockefeller Foundation. During 1923 the International Health Board, the China Medical Board and the Division of Medical Education supplied fellowship funds for 636 individuals in 29 different countries; supported the interchanges, arranged by the League of Nations, for 54 health officers from 27 nations; arranged international visits of one commission and 24 visiting professors; furnished emergency relief to institutions in 15 European countries; accepted an invitation from Brazil to participate in an attack upon yellow fever; shared in demonstrations of malaria control in 12 American states, and conducted malaria surveys in 8 different countries; as well as carrying on many other important activities.

With the growing economic interdependence of the world, the condition of labor in one country affects it in another. When one government establishes high standards of labor protection, it is apt to be subject to unfair competition from a country with low standards. Consequently, the movement for labor legislation in its international aspects has been prompted as much by economic interest as by humanitarianism, as Mr. G. A. Johnston tries to show in *International Social Progress, The Work of the International Labour Organisation of the League of Nations* (Macmillan, pp. 263). While the author traces the history

of this movement before the war, he spends most of his time on the existing labor organization, established by the Treaty of Versailles. Perhaps the most significant feature of this organization is the manner in which it has improved labor conditions in such eastern, and industrially backward countries, as Japan, India, Persia and Siam.

Races, Nations and Classes by Herbert A. Miller (Lippincott, pp. 196) is a study in what the author calls "the psychology of domination and freedom." The book deals with many interesting themes but the historical generalizations are sometimes faulty. To say that Ontario was "originally French" but now contains "a majority of English" (p. 114) is to display a rather slim knowledge of what has transpired during the past two centuries along the northern border. And it is equally strange to read of the "Arcadians" (*sic*) whose exile has been made classic in Longfellow's *Evangeline*.

Nesta H. Webster in *Secret Societies and Subversive Movements* (E. P. Dutton and Company, pp. xiii, 419) attempts to prove that revolt against the established order both in the present and past has been fostered by secret societies such as Freemasonry and by such movements as theosophy, nationalism of an aggressive kind, now represented by Pan-Germanism; international finance and socialism. Back of all these societies and movements, in the opinion of Miss Webster, will be found the influence and the financial aid of the Semitic race. The book, however, is far from convincing, in spite of the diligence and energy which the author displays in presenting innumerable references to out-of-the-way sources of information.

Three recent books on the land of the Muscovites are Magdeleine Marx's *Romance of New Russia* (Seltzer, pp. 226) E. W. Hullinger's *Reforging of Russia* (Dutton, pp. 402), and *Recollections of Imperial Russia*, by Meriel Buchanan (Doran, pp. 277). The first is the work of an emotionalist who, as she says, "discards the facts and figures" so that she may "truly reveal the heart, the soul of the country." The dust-cover advertisement declares that the book reads "like a work of fiction"—and it does. Mr. Hullinger was the United Press representative in Russia for a time. He was deported for telling too much. Now he tells the whole story without let or hindrance, and he does it in a most convincing way. Miss Buchanan, the daughter of the last British ambassador to the court of the Romanovs, describes

graphically the social life of Petrograd during the outgoing days of the old régime.

Twelve Years at the German Court by Count Robert Zedlitz-Truttschler (Doran, pp. 306) contains an intimate picture of life in Berlin and Potsdam during the years before the war.

Preliminary History of the Armistice (pp. xii, 163) is a compilation of official documents, published by the German government in 1919 in an effort to prove that Germany agreed to the armistice, subject to the stipulation that the definitive terms of peace should be based on the Fourteen Points and the other peace proposals of President Wilson,—translated into English for the Carnegie Endowment for International Peace.

Count Harry Kessler in his Institute of Politics lectures, *Germany and Europe* (The Yale University Press, pp. vii, 150) has interpreted the thought of post-war liberal Germany. The most interesting chapter from the political standpoint—the book is essentially historical—is the last in which he traces the growth of the new German constitution, the significance of the Economic Councils, party alignment in the Reichstag, the influence of “big business,” and the future of Germany’s foreign policy.

Two recent publications by Macmillan are: *The Continent of Europe* by Lionel W. Lyde (pp. 456), a treatise on economic geography, but with much emphasis upon the character and resources of European political entities; and *Czecho-Slovakia*, by Dr. Josef Gruber (pp. 256), which discusses the economic resources, industries, finances and social problems of that country, each chapter by a specialist.

The Reformation in Poland: Some Social and Economic Aspects, by Paul Fox (Johns Hopkins Press, pp. 153) traces, with the aid of Polish sources, a very interesting chapter in the history of Protestantism which is all too little known to most Western scholars.

Mr. Roland R. Foulke of the Philadelphia bar has written a small book on *The Philosophy of Law* (John C. Winston Company, pp. 102) in which the essential nature of law is explained in simple terms. Defining the philosophy of law as a special branch of philosophy having

to do with the conduct of man in a community, the author proceeds to discuss human conduct and the internal and external factors determining conduct, such as the forces of nature, custom, public opinion and political power; the meaning of law, its sources and end; and jurisprudence. The exposition centers around the assumption "that law, whatever it is, has something to do with human conduct, whatever other objects it may have to do with also." For this reason the chief emphasis is given to an explanation of the operation of the external factors of political power and public opinion, as they determine human conduct.

The Drama of the Law by Edward A. Parry (Scribner's, pp. 320) recounts the story of many famous criminal trials. The author believes that all these contestations can be classed as tragedies, melodramas, farces, and so on. It is from this point of view that he describes them.

Among the volumes which have already appeared in the new series of introductory texts, entitled *The World's Manuals*, published by the Oxford University Press, is an *Introduction to Modern Political Theory*, by C. E. M. Joad (pp. 127). The greater part of this little volume is devoted to aspects and problems of socialist political theory, and the text is embellished with portraits of Marx, J. S. Mill, Kropotkin, and Lenin.

President Arthur Twining Hadley, in *The Conflict Between Liberty and Equality* (Houghton Mifflin Company, pp. vi, 135), makes a plea for liberty which he defines as "the power to use intelligence as a determining factor in our conduct." Delivered as the West Memorial Lectures at Stanford University, it is another contribution to the literature of pessimism in regard to the present state of the body politic, especially on its economic side. In *The Faith of a Liberal* (Scribner's, pp. 309) President Nicholas Murray Butler presents, from various points of view, the principles of liberalism as applied to current political and social problems.

John Locke's *Treatises of Civil Government* has been reprinted in Everyman's Library (Dutton, pp. 242) with an introduction by W. S. Carpenter.

Longmans, Green and Company have published the first of a three-volume series on *Tudor Economic Documents* (pp. xiii, 383) illustrating the economic and social history of Tudor England. The initial volume is edited by R. H. Tawney and Eileen Power and covers the agriculture and industry of the period. Students of local government will find considerable useful material in Section II on Towns and Guilds, in which appear reprints of numerous interesting documents such as the municipal regulation of hours and wages by the Common Council of London, 1538; the act to remedy the decay of corporate towns, 1554; and an order of the Privy Council directed to the Lord Mayor of London in 1590 to check the growth of the city because it "hath been over largelie increased to the decay of other townes, burroughes and villages within the Realme," and "also the infeccion of the plague."

Industrial Society in England towards the End of the Eighteenth Century by Witt Bowden (Macmillan, pp. 343) presents a broad survey of the early industrial revolution. Emphasis is laid on the origins of our various modern industrial groups, disclosing a connection between the friendly societies of this era and the nineteenth century trade unions. There are some interesting explorations into the nature of Pitt's Irish policy, and the author challenges the doctrine that the *laissez-faire* and free trade movement began with Adam Smith and the physiocrats. The factories began it, he contends.

Philip Anthony Brown, a young and brilliant graduate of New College, Oxford, who was killed in battle during 1915, left a manuscript which has recently been edited by friends under the title of *The French Revolution in English History* (E. P. Dutton and Company, pp. xiv, 232). Professor Gilbert Murray has written a short introduction. With a style that is fresh and readable the author traces the effect of the French Revolution on English thought, politics and literature, illustrating his points by frequent reference to the lives and work of many individuals including workingmen, poets and politicians.

A translation of the first volume of Élie Halévy's *Histoire du Peuple Anglais* has been published by Messrs. Harcourt, Brace & Company, (pp. 576). The original has been most highly commended by English scholars for its enormous erudition and strict impartiality.

Pen portraits of various literary and political figures, including Stanley Baldwin, Lord Curzon, Bonar Law and H. G. Wells are included in *A Gallery* by Philip Guedalla (Putnam's, pp. 249), a writer whose ability to delineate human traits in a brilliant way is well known to students of contemporary biography. As a curtain-raiser the volume contains a few landscape sketches—of Fez, Biarritz, and Mandalay. A volume of somewhat analogous character is Sisley Huddleston's *Those Europeans* (Putnam's, pp. 297). It deals, for the most part, with continental statesmen of today, including Masaryk, Caillaux, Millerand, and Mussolini.

By the provisions of Lord Morley's will he is to have no formal biography, hence John H. Morgan gives his *Viscount Morley* (Houghton Mifflin Company, pp. 215) the subtitle of "an appreciation and some reminiscences." The book portrays a versatile man and does it in attractive style.

In the second volume of *These United States* (Boni and Liveright, pp. 438) edited by Ernest Gruening, some twenty-six native sons and daughters set forth their ideas as to the distinguishing characteristics, peculiarities and accomplishments of their respective states. Although written in a somewhat light vein these sketches present a keen analysis of the social, political, and economic life of the various commonwealths. Brief word-pictures are given of present and past political leaders and considerable attention is paid to important party contests. The book is interesting from cover to cover and the reader leaves it with the impression that after all state lines do mean something and that our Union is one of forty-eight states, as well as a few great rival sections.

Government of the United States, by Everett Kimball (Ginn, pp. 785) is substantially a condensation of the author's two earlier volumes in the same field. The first half of the present volume maintains the excellent standard set in his earlier volume on the Federal government. In the latter half, only 20 pages are given to the legislature, out of 210 pages on state constitutions and government, and only 28 pages to counties, townships and villages, and 134 pages to cities. In discussing the executive branch of state government, the legal position of the governor is clearly set out, but there is little suggestion of the political and administrative development in that office within recent years. Throughout the latter half of the book, the reader is constantly made

aware of the geographical locality in which the book had its origin. Nevertheless, the volume presents a helpful analysis of American government and one of the best presentations of the national government that has yet appeared.

Milton Conover's *Working Manual of Original Sources in American Government* (Johns Hopkins Press, pp. 135) is a very useful supplement to collegiate text-books. It provides a long series of problems with bibliographical aids—fifty assignments in all, each for a different student.

The Citadel of Freedom, by Randolph Leigh (Putnam's, pp. 234) is "a study of the constitution and its builders, and of the movement to destroy it." The story is told in "seven dynamic personalities" from Washington to Lincoln. *Common Sense of the Constitution* (Allyn and Bacon, pp. 145), by A. T. Southworth, is a serviceable little manual for school use.

Frederic L. Paxson's *History of the American Frontier* (Houghton Mifflin Company, pp. 298) is a synthesis of the various studies which have been made in this field during the past twenty-five years. It is the first complete history of the frontier which, as Professor Paxson avers, "is the most American thing in all America." The book is well proportioned and skilfully written. *Recent American History*, by L. B. Shippee (Macmillan, pp. 554), deals with the period since 1865. It lays emphasis on industrial and economic development, but does not neglect political phases, and describes America's participation in the war. W. H. Cavanaugh's *Colonial Expansion* (Badger, pp. 263) deals only with the Pilgrim settlement and its history.

Archer B. Hulbert's *United States History* (Doubleday, Page, pp. 656) is intended as a text-book for the third and fourth year of a high school. Special features are the use of the topical method and the emphasis placed on the last fifty years. A novel departure is the inclusion of a "Who's Who" in American history, covering about thirty pages.

A handsome *Life and Times of Our After-War President*, by Joe Mitchell Chapple (Chapple Publishing Company, pp. 386) contains a warm and extended eulogy of President Harding.

Waldo R. Browne's *Altgeld of Illinois* (Huebsch, pp. 342) is a valuable contribution to the literature of Middle Western politics a generation ago, of more than local interest. There is an interesting chapter on the "inner history" of the railroad strike of 1894 and the Altgeld-Cleveland controversy.

The World Book Company has brought out a revised edition of David P. Barrows' *History of the Philippines* (pp. 406). The new edition brings the story down to date and includes an additional chapter on the issue of Filipino independence. *The United States and the Philippines*, by D. R. Williams (Doubleday, Page & Company, pp. 355) is primarily a survey of political and economic problems since 1898. There is a longer discussion of the independence issue.

The Ethics of Opium (Century Co., pp. 204) by Ellen N. LaMotte, the well-known antagonist of the drug evil, analyzes the documents of the colonial governments of the Far East to show that the use of opium has, in many places, been actually increasing instead of decreasing in accordance with the purpose of the opium convention of 1912. She believes that if the powers had the "will" to suppress the evil, the existing convention would be workable.

The Oxford Press has recently published a monograph on *Anglo-Portuguese Negotiations relating to Bombay, 1660-1677* by Shafaat Ahmad Khan.

A volume on *Spiritual and Political Revolutions in Islam*, by Felix Valyi (Kegan Paul, Trench, Trubner & Company, pp. 236) deals with recent events in Turkey, in Egypt, and in Asia Minor.

A new edition of Charles J. Bullock's *Selected Readings in Public Finance* has been issued by Messrs. Ginn & Company (pp. 982). This new edition, besides a revision of the earlier materials, contains a supplementary chapter dealing with the newer forms of federal taxation. *The Economics of Taxation*, by H. G. Brown (Holt, pp. 344), is a study of the principles underlying taxation and the incidence of taxation. Eugenio Rignano's monograph on *The Social Significance of the Inheritance Tax* has been translated by W. J. Schultz (Knopf, pp. 128).

The National Industrial Conference Board has added to its studies on taxation a volume on *The Tax Problem in West Virginia* (pp. 234), and a brief general survey of *Tax Burdens and Public Expenditures*, the latter carrying previous studies down through the year 1923.

In *Making the Tariff*, by Thomas W. Page (McGraw-Hill Book Company, pp. 281) there is a full discussion of the methods whereby the schedules are prepared and revised, including a good chapter on "Tariff-Making by Executive Order."

The Harvard University Press has brought out a *History of the United States Post Office to the Year 1829* by Wesley E. Rich (pp. 190). The author began a comprehensive study of the subject before the war, but interrupted his work to enter the army and died before the war came to an end.

Following several special studies of scientific research agencies in California and Illinois, the National Research Council has published *An Evaluation of the System of Central Financial Control of Research in State Governments*, by Leonard D. White (pp. 134). This discusses central state control in Illinois, Ohio, Wisconsin and Massachusetts, and the central control of research in the University of Chicago.

The Republican county committee of New York has established a political research bureau, which has published a report on *The Voting Machine* (pp. 80), by David Zukerman, and also pamphlets on proposed amendments to the state constitution to authorize additional debt.

A text-book on *The Principles of Corporation Law*, by W. W. Cook (pp. 815), has been published by the University of Michigan. This undertakes to present the general principles of the subject, with a few applications and references to more elaborate works and court decisions. The chapters on taxation and public service corporations will be of most interest to students of political science.

The Russell Sage Foundation, which published a few years ago a digest of *American Marriage Laws*, (pp. 132), has recently issued two new studies in this field: *Medical Certification for Marriage*, by

Fred S. Hall (pp. 92), and *Child Marriages*, by Mary E. Richmond and Fred S. Hall (pp. 159).

Principles of a Note-System for Historical Studies, by Professor Earle W. Dow (Century Company, pp. 124) contains a discussion of various matters which will interest the student. It deals with the methods of note-taking, the compilation of bibliographies, classification and filing, and kindred topics.

Among other recent publications on economic and social problems may be noted: *Population and the Social Problem*, by J. Swinburne (pp. 380), and *Elements of Land Economics*, by R. J. Ely and E. W. Morehouse (pp. 363), published by Macmillan; *British Labour Speaks* (Boni and Liveright, pp. 282), *Unemployment Relief in Great Britain* (Houghton Mifflin, pp. 203); *Politics and Welfare* (Brentano, pp. 299); *Family Welfare Work in a Metropolitan Community*, by Sophonisba P. Breckenridge (University of Chicago Press, pp. 958); *Society and its Surplus*, by N. Le R. Sims (Appleton, pp. 581); *Social Organization*, by W. H. R. Rivers (Knopf, pp. 226); *The Women's Garment Workers*, by Louis Levine (Huebsch, pp. 608); *Labor Movement in the Shoe Industry*, by A. E. Gelster (Ronald Press, pp. 237); *A Short History of the American Labor Movement*, by Mary Beard (Doran, pp. 206); and *German Trade Associations*, by A. H. Stockder (Holt, pp. 254).

RECENT PUBLICATIONS OF POLITICAL INTEREST BOOKS AND PERIODICALS

CLARENCE A. BERDAHL

University of Illinois

AMERICAN GOVERNMENT AND PUBLIC LAW

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